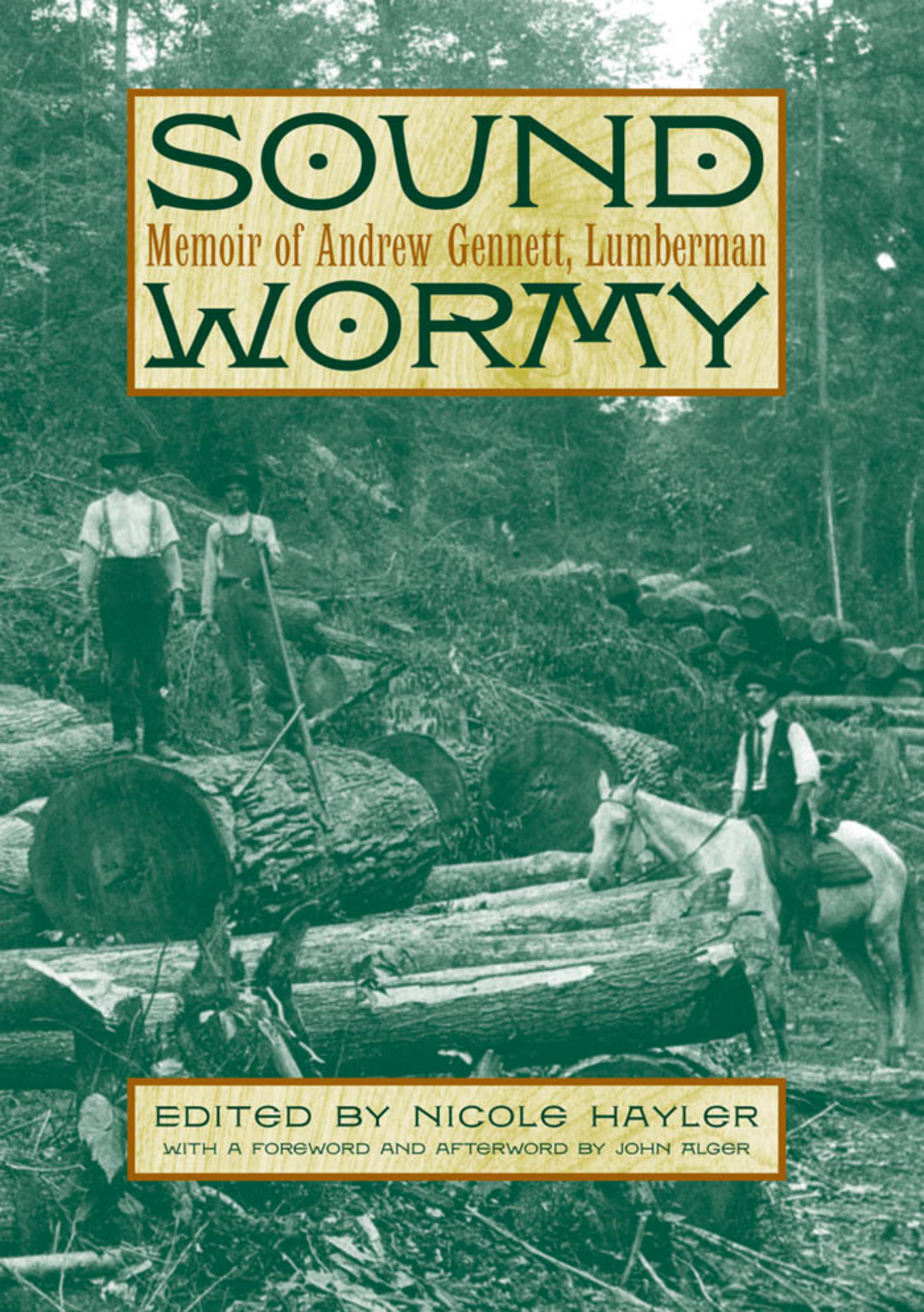

SOUND WORMY

Memoir of Andrew Gennett, Lumberman

EDITED BY NICOLE HAYLER

WITH A FOREWORD AND AFTERWORD BY JOHN ALGER

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Sound Wormy

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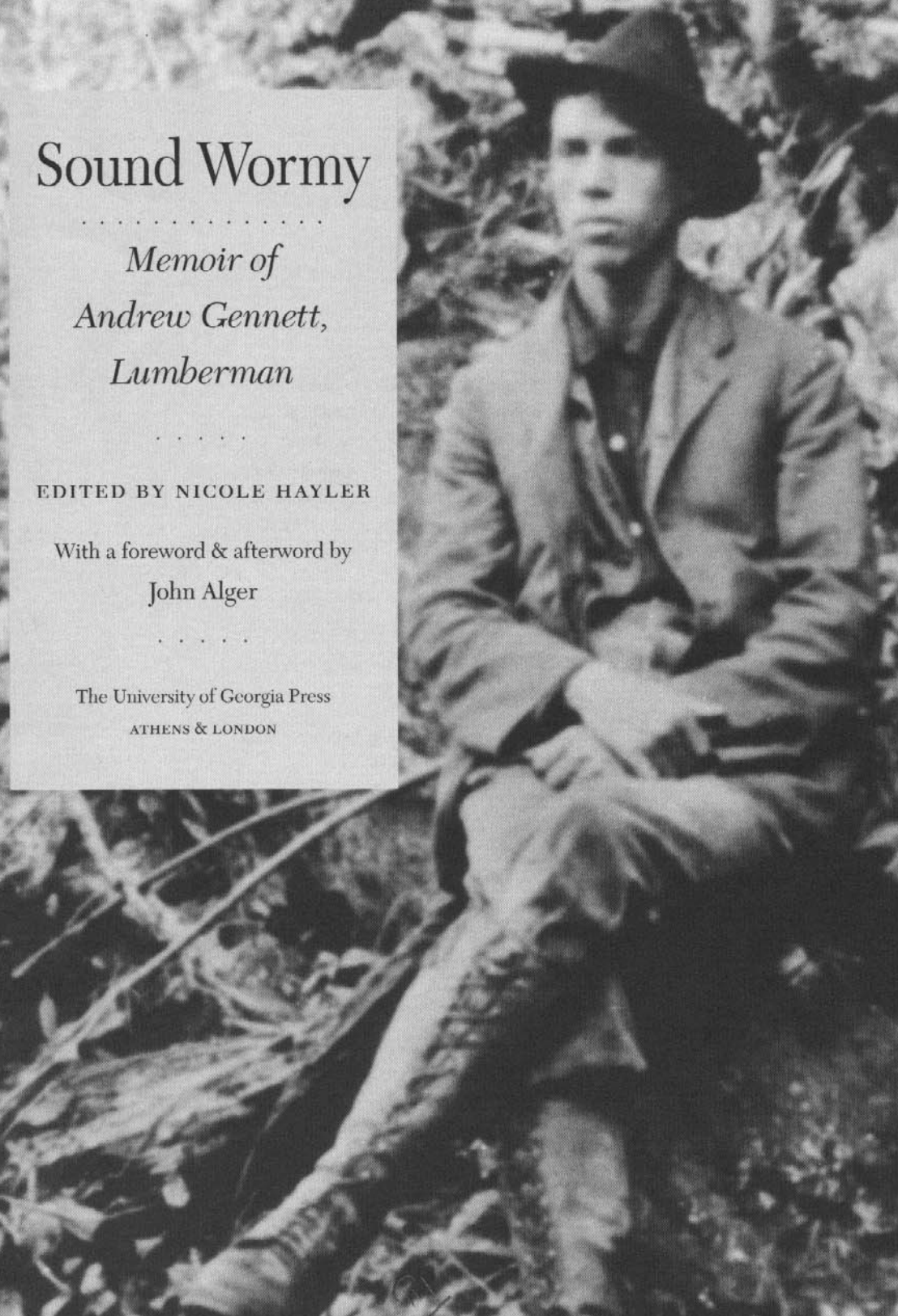

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EDITED BY NICOLE HAYLER

With a foreword & afterword by
John Alger

The University of Georgia Press
ATHENS & LONDON

Paperback edition, 2007
Published by the University of Georgia Press
Athens, Georgia 30602
© 2002 by Andrew Gennett II
All rights reserved
Designed by Kathi Dailey Morgan
Set in 10 on 14.5 New Caledonia by G&S Typesetters
Printed and bound by Thomson-Shore
The paper in this book meets the guidelines for
permanence and durability of the Committee on
Production Guidelines for Book Longevity of
the Council on Library Resources.

Printed in the United States of America
07 08 09 10 11 P 5 4 3 2 1

The Library of Congress has cataloged the
hardcover edition of this book as follows:

Library of Congress Cataloging-in-Publication Data
Gennett, Andrew.
Sound wormy : memoir of Andrew Gennett, lumberman /
edited by Nicole Hayler ; with a foreword & afterword
by John Alger.
xix, 218 p., [16] p. of plates : ill. ; 24 cm.
ISBN 0-8203-2345-4 (alk. paper)
1. Gennett, Andrew. 2. Lumbermen—Southern States—
Biography. 3. Lumber trade—Southern States—History.
I. Hayler, Nicole.
SD537.52.G46 A3 2002
634.9'8'092—dc21
[B] 2001041332

Paperback ISBN-13 978-0-8203-2941-3
ISBN-10 0-8203-2941-X

British Library Cataloging-in-Publication Data available

ISBN for this digital edition: 978-0-8203-3787-6

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FOREWORD

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Woods Bulls and Ballhooters: The World of Andrew Gennett

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Shortly after the Civil War, the country shook itself off as a dog through a river and said, "Well, what's next?" Though the war had devastated many, it had enriched others. Though the nation had experienced a great tearing down, so had it experienced a great building up. The war had been a conflict of machines and movement, and, with its end, the Industrial Revolution came to the country to stay.

There had been logging and lumbering before the war, of course. Indeed, the vast timber resources of the East helped fuel the development of an agricultural nation. The greatest part of the usage, though, was not as lumber. Shortly after the end of the war, chestnut, locust, and oak were split to furnish over two million miles of fence rail for securing stock. Also, at the time, charcoal was the fuel of manufacture. An iron furnace, producing fifteen tons of metal a week, consumed four square miles of forest. Those were, for the most part, the national forest industries of the time.

On a local basis, logging took place wherever there was both timber and stock—oxen, horses, and mules—to skid it from the woods. The limitations on the timber industry were not technological. For all the prevalence in rural areas of more primitive milling, the steam-powered mill was in use

well before the Civil War. The limitation was of transportation and market. The end of the war brought a change to that. Railroad construction increased. A flood of immigrants became the essential core of workers organized in large numbers for a common commercial purpose. Finally, there was the availability of money. This was restless money, looking for a place to go and grow. For many years after the war, investors would look to land and land resources. Their eyes began to turn to the South.

The land situation in the southern mountains was, to say the least, complex. Very little land had received proper survey—survey that would allow the accurate location of boundaries. This was, in part, due to the staff compass and the Gunter's chain, the most common survey instruments of the time. The staff compass was an instrument with a large dial face and with sighting ears attached. It was frequently made by the surveyor himself, the crosshairs being of carefully placed spider's silk. The Gunter's chain was a heavy wire measuring instrument, sixty-six feet long and of one hundred links. Land was measured strictly by its surface, with no compensation for grade. Though these were acceptable tools for small surveys, their errors multiplied with their use on large land grant lines.

In addition to the question of survey instruments, there was the process of granting the land itself. Most of the largest grants were described by geographical features. Years of painful argument would ensue as to what point on a peak should locate a corner or which ridge a line was supposed to descend. Also, it should be remembered that the state governments making the grants obtained money from grant purchasers. All too often a grant map of a section looked like a patchwork quilt put together by drunken seamstresses. Grants overlapped each other until sometimes the land was owned six persons deep. Some of this was surely simple carelessness; still, some was simply greed by the states. There is something to be said for the argument that the states granted land as they did so that the states' lawyers would never go hungry.

Finally, in this bog of confusion, there were the practices of the landholders themselves. Once purchased, the land grant had to be registered at the county courthouse for the grant to become a land deed. Many grantees neglected this process, starting a long chain of events that would bedevil title attorneys for years to come. An individual might find a likely looking piece of mountain land and simply settle on it. If the land was within a

grant, he might or might not enter into a rental or purchase agreement with the grant owner, who quite possibly was an absentee landholder with no idea whether someone was living on the property. If the tenancy lasted long enough, it gave the squatter certain rights of adverse possession, a claim on the land that would become active if the land were sold. Essentially, this was a practice of assuming ownership by controlling access to a tract. The longer a family inhabited land, the stronger that assumption of ownership became, even without any kind of title. It becomes easier to understand the feuds among mountain families when the chaos of land and resource ownership is understood.

Still, this too changed with the war's end. Mountain agriculture had lost much of its market. For years, the hogs that foraged the mountain slopes and the cattle that grazed the grassy heights had made a yearly trip to the southern coastal plain and piedmont where the great plantations awaited with thousands of hungry mouths to feed. As the Civil War had broken the plantation society, so had it broken the back of mountain agriculture. The agricultural history of the southern mountains may be read in its forests. The small farms that dotted the coves sank beyond the horizon of economic viability and were abandoned. The little fields grew back to timber as those who had tended them moved on. The mountain counties began a depopulation and did not fully recover until modern times.

"No land without a lord" was the motto of feudal times. Into this lordless land moved the land and timber speculators—the restless men with money.

Today it may be difficult to remember these experiences or even realize that they happened. This was a time when there was something heroic about giving free rein to personal ambition. The aggressive capitalist was an adventurer to the public eye, an adventurer many wished to emulate. What today is seen as excess was then perceived as part of an evolving national dream. This postwar period transferred the adulation of power from war generals to generals of industry. Social Darwinism was the process of the day, and these men seemed at the top of the food chain. Their accomplishments and their excesses became the national accomplishment and the excess of a young country finding its strength. That there were limitations to this role was yet to be seen.

The hardwood lumber business was, and still is, an exercise in survival

of the fittest. It is rough, abrasive, and risky. It is not known for taking a look at itself. It does not reward fools or dreamers. It's a world shaped and governed by the unforgiving forces of market and nature. Self-doubt and depreciation are not characteristics of the people in this world. It is a world grown in itself with little referral to the society around it. Few enter it alone. Those who become involved at all usually follow in the path of a family business.

This was not the case with Andrew Gennett. That Andrew Gennett became a lumberman is surely one of the most unlikely occurrences imaginable. That he became a successful one is almost beyond imagination. The qualities that make *Sound Wormy* a unique document would seem to be those that would guarantee that Gennett would fail, and fail early on, as a lumberman.

By education, Gennett was a lawyer. By inclination, he was an artist. It's easy to imagine him in a different life: practicing law in Atlanta or Charleston and then teaching the classics in some small college. He was drawn to poetry, and he had the artist's gift of introspection and the artist's curse of self-doubt. He was, like many inward-looking men, prone to illness and depression. He was enough of a dreamer to uncritically believe in dreams, to believe that wealth and adventure might be found together. A great part of the wonder of *Sound Wormy* is the sense of innocence and wonder Gennett himself could feel and communicate forty years later.

The role of Nat Gennett is less defined than that of Andrew—not surprising in a memoir written by Andrew. Four years younger than his brother, Nat is seen as a figure in motion. Impetuous, daring, temperamental, and mercurial, a foil for his brother's mind—still, he must have been more. If it were not for Nat, Andrew would have become that quiet lawyer and teacher, and this book would never have been written.

It could not be said that Nat was much more experienced in the lumber business than his brother. While Andrew followed his brief career in law, Nat began his work life at age seventeen, dickering in logs on the Cumberland River as they floated downstream. He followed the precepts of all traders. Buy as cheaply as possible, take your risks, and if you have guessed right, take your profit. The logs he bought on the river he floated on downstream to the public mills to be sawn into lumber. He then sold the lumber

to waiting buyers. This was an enterprise that required much energy, but that he had in abundance. However, it also offered experience in the profit end of the lumber business. Nat, a young man full of optimism, was blind to the risks that are part and parcel of the trade. There is an axiom that the way to make a small fortune lumbering is to start with a large fortune. Nat had yet to learn this axiom.

There is a dynamic in the memoir between the two brothers. One brother is an extrovert who lives constantly on the outside of himself. The other brother is always looking within, planning and worrying and, on occasion, seeing far into the future. In this, *Sound Wormy* is more than just a recounting of an era. It is also the story of two brothers, very different but very devoted to each other. In time, they developed their own areas of skill and expertise. Nat managed the mills and found markets for the cut lumber. Most improbably, Andrew, the bookish, introverted, city-bred older brother, found a new world and a home in the mountain forests.

Andrew Gennett fell in love twice in his life. Once was with his wife. His other consuming passion was with the world of the loggers and the forests of the southern Appalachian mountains. These worlds were so far apart that, at the end of his life, he wrote his memoir so that his family might understand all he had done and seen.

The world of the loggers of yesterday now seems archaic. Today, we associate logging with machine skidders and loaders, tandem trucks on four-lane paved roads and the high-pitched whine of chain saws—"McCullough's warbler." We may even think of on-site log-processing machines or "faller bunchers" that cut several trees from their stumps and then roll off carrying the lot. The modern logger is mechanized, and he probably goes home every night. He is also permanently in debt to the bank for his equipment.

Gennett's loggers relied on their own muscle and that of their animals. The first step in any logging operation was the collection of oxen, horses, and mules. Animals were not usually the property of the lumber company. Instead, a man owning the properly trained stock would be contracted to "log out" the timber after it had been felled and bucked to length. The stock had to be well trained and handled, particularly on the steep mountain slopes. For example, unless the animals had been taught to "J hole" (side-

step) on command when a drag of logs began to slide down a skidway of its own accord, stock, logs, and "drag skinner" (the person driving the team) would end up a bloody tangle at the bottom of the slope. The drags were fastened together with short trailer chains fastened to "grabs" or "dogs" hammered into the logs. A large logging operation might use four to five hundred head of stock at any one time.

Different animals were desirable for different tasks. Stout oxen were usually preferred for logging out heavy drags. Horses were regarded as the most trainable and maneuverable, while mules were admired for their stamina (if not their dispositions). Further, mules had one unique characteristic that made them handy at the stump. While an ox or a horse might exert a steady pull on a mired log, a mule would give a sudden jerk that would break the log clear of the mud.

Before timber could be skidded, it first had to be felled. This was the job of the sawyers (sometimes called stumpers). Their primary tool was a five- to seven-foot two-man crosscut saw called a "misery whip." An athletic afternoon dropping hardwood timber with a misery whip will demonstrate why it was so named. Also part of the sawyer's equipment was a hefty ax with a pronounced head, or "pole." This pole was useful in hammering an assortment of dogwood wedges into the cut, or saw kerf, to assist in falling the tree in the desired direction. It also was used to chop out the undercut to direct the fall. Finally, a can of kerosene was kept at hand to lubricate the saw in the cut.

In addition to the sawyers and skinners there would be attendant men. The skinners and their skidding team, for example, needed the services of the "drag hook." This was a man walking behind the drag who would use a peavey or a cant hook (a lever that has a pivoting hooked arm and a metal spike at one end) to ease logs over obstructions. The sawyers themselves would be dependent on the saw filer to sharpen and "set" their crosscuts. This man was usually the highest paid in the logging camp.

Over them all was the woods bull, sometimes referred to as "bull-o'-the-woods." In logging parlance, a "bull" is the lead man or supervisor of any working crew. The woods bull was the supervisor of all the loggers and all their operations in the woods. Simple in title, yet his was one of the most complex jobs within the confines of a lumber company.

Looking through the Gennett photo collection, you may be struck by one picture. The setting is in the woods, probably in Rabun County, Georgia. One of the Gennett brothers in suit and tie leans against a bank to the left. Centered and just beyond him are several span of oxen pulling a log. Standing on the log is a man holding a poleax; a peculiar black hat shades his eyes but does not obscure them. The face is grim, the eyes are piercing. This is Phil Lovin, bull-o'-the-woods for the Gennetts.

By repute, Lovin was a multiple killer, not unusual where he came from—Graham County, North Carolina. Most of Gennett's loggers came from there, and most of them had a speckled or shrouded past. They were a tough bunch, and Lovin was the toughest of the lot. Still, toughness was not enough to make a woods bull. Experience and intelligence were needed in great measure. Without these qualities, the lumber company would die in the woods. The woods bull needed to know the full range of the logging industry, from constructing log flumes down steep mountain slopes to estimating the job (judging the size and density of trees and the terrain on which they grew) to assigning the right team of men for the particular job at hand.

With few modifications, this method of cutting and logging out was to last in the South until after World War II. What did change was the method of transporting the logs to the mill.

When the Gennetts first entered the Chattooga lands, their cut timber flowed to the mill on the river. All through the fall and winter, logs rolled into splash dams constructed on mountain streams. Then, with the spring rains, the splash dams would be dynamited, and a wall of foam and water filled with logs would rush down the streams toward the river. Where logging had taken place riverside, the "scotches" (the blocks of wood that held the logs in place) were pulled from under the huge piles, and they too rolled into the rushing flood.

The trick to river logging was twofold. First, the final height of the flood had to have been reached. If it had not, the mass of logs on the rising water might break the mill boom. Second, the loggers couldn't wait too long to let the splash dam go. If they did, the river would fall before all the logs had made their journey, and they would be stranded on rocks and banks along the way.

Downstream at the mill, a second group—the rivermen—waited. As the flood progressed, the long log boom was pivoted and lowered into the river. The boom was actually in the shape of a massive right triangle; its base rested on a raft tied close to the bank. Hemlock was a preferred tree for the construction of a boom. Sound, strong, and long lasting in water, it also grew tall and straight. From hemlock, a boom could be constructed that could reach 140 feet into the river. As the flood reached the boom, the rivermen would walk its hewn surface, moving the logs inshore. From there, the intake chain of the mill, the bull chain, could pull them up to the sawing deck. In these ways, the Gennetts logged the Chattooga River, splashing logs as far upstream as Overflow Creek in North Carolina.

Spring was a time of risk and challenge. Loggers were more dependent on rain than were farmers. If the flood came too high and fast, it could break the boom, causing the logs to be lost downstream and possibly sending the company into bankruptcy. If the flood came too shallow or dropped too soon, the rocky bed of the river might turn the logs into splinters. In either case, the nature of river logging made it difficult for the company to recover, because after spring, only the lower, deeper sections of a river could be logged. A mountain section that flooded deep in March might be too shallow to float logs in June. Though the cost of river logging was low, the risk was high. For this reason, the Gennetts and others turned to the next stage in the evolution of southern logging: the logging railroad.

Improvements on the tube-type boiler and the new triple-acting steam engine had made lower gear ratios possible for locomotives. The result was the logging locomotive, a specialized machine capable of pulling heavy loads over increased grades and poor track. The two best known of these were the Shay standard and narrow-gage and the Climax narrow-gage. The Gennetts used both.

Railroad logging removed the elements of risk associated with river logging but added increased capital cost and the need to acquire the personnel to build and maintain the railroad itself and to operate and maintain the rolling stock. It did allow access to areas of timber that were not convenient to floodable streams. It also allowed the development and usage of such machinery as the steam skidder and log-loading crane. Barring weather too poor to allow the cutters on the slopes, logging could now become a year-

round affair. This configuration would remain in the forests of the Southeast until World War II.

With the advent of the logging railroad, the sawmills began to move away from the rivers to points where a main railroad line could be reached. The slack water behind the boom was replaced by the mill pond. Log-handling equipment at the mill was not mechanized at most mills until the 1950s, so logs still had to be moved on water up to the bull chain. The pond also served to keep the timber high enough in moisture to discourage splitting and checking of the logs. With increased production, both in the woods and at the mill, the lumber from the southern mountains began to reach an ever expanding market.

Lumber, particularly hardwood lumber, is a completely market-driven product, dependent on the demand for a wide variety of species and grades. The lumbermen of the South have always been challenged to find markets that match the composition of the forest as closely as possible. The eastern hemlock, for example, had little market until the wire nail came into common usage. The "cut nails" of an earlier time had caused it to split. The increasing usage of manufacturing materials other than wood (plastics, glass, and steel) was a hard blow to the lumber industry. That this usage should peak during the Depression increased the severity of that blow.

A lumber company by its nature is invested in the future. This may seem contradictory, as lumbermen tend to be conservative, but such is the case. The 1930s saw many lumbermen faced with the prospect of seeing their investment become so devalued as to become nearly worthless. Traditional markets were ending, and the new ones would not come into sight until the end of the war. Because of their conservatism and political party orientation, most lumbermen felt they had little voice in the administration in Washington. Indeed, the perception was that the Roosevelt administration was hostile to the industry. In the mid-1930s, many companies closed their mills, never to reopen.

Gennett did not own one of these companies. As the major companies folded, reformed, and purchased each other to become large corporations, the one Andrew and Nat formed continued as it always had. They made their payroll and sold what product they could. They also vended more land to the U.S. Forest Service. In this, Gennett's sense of vision continued. It is

possible he was the first to convince the Forest Service that some tracts were worth more left in an undisturbed state than as sawtimber. I have seen copies of letters from Gennett in the files of the U.S. Forest Service at Asheville, North Carolina. They show an appreciation of a thirty-eight-hundred-acre watershed in Graham County, North Carolina, that had been largely untouched by modern civilization. Though the value of the watershed's timber was high, and Gennett had developed a plan for its logging, he took a different course. He presented the Forest Service with the proposition that the site was worth more as an example of an undisturbed Appalachian ecosystem. This was an astonishing notion for a lumberman and, at that time perhaps, for the Forest Service as well. Gennett served his own end and the public interest. The first does not detract from the second. To the end of his life, he remained proud that Little Santeelah Creek remained unlogged and later became the Joyce Kilmer Wilderness.

Andrew Gennett was stricken in the woods of western North Carolina, following his love and cruising timber. Between then and his death at the start of World War II, he wrote this memoir. A quiet man, perhaps he wrote it so that his family would know how much fun he had had and all he had done so quietly.

I first met Andrew Gennett in 1994, though he had died before I was born. In the big woods at the head of Poplar Cove, overlooking the Nantahala River, I met him. I was sidehilling the slope, trying to read the land record of a long ago logger whose name I didn't know. Cutting the course of a small stream, I found an old skid trail heading down to the valley. The logs that had moved on it must have been immense. Still, it wasn't just its size that set this trail apart from thousands of others. This one had been thought out, almost engineered, and built to last. Digging into its side, I found the remains of poles and small timber lying up the bank. Walking down it, I found the bank pierced to let the water drain and avoid erosion. A simple construction, yet it was set apart by care and thought. This is how I first met Andrew Gennett. Later I saw a picture he had taken of a log that had come down that trail. Part and parcel of his book. Part and parcel of his life.

Andrew Gennett was a quiet man who always thought he'd fail. He was a most unusual lumberman. Perhaps he'd never really understood all he

had done and how well he had done it. He lived his life and wrote it down. His words may today seem archaic, yet this too is a part of him. He remained one of the last Victorian gentlemen throughout his life. The title of his book is his own little way of modestly putting it all to luck. Yet it was more than luck that brought two greenhorns all the way from the Chattooga River. It was work, sacrifice, and risk, and, for this courageous man, it was never devoid of honor.

"Sound wormy"—a grade of lumber shot full of holes but strong to the end.

JOHN ALGER

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Editor's Note

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In producing this edition, the original *Sound Wormy* manuscript was edited and revised to adjust sentence structure, syntax, and punctuation. In addition, much text extraneous to the central theme of Andrew Gennett's logging business and itinerant experiences was deleted, as were the prolific, mundane details of a number of business transactions. Certain portions of the manuscript also were reorganized and merged for the purposes of improving clarity, eliminating repetition, and placing descriptive accounts of key events in chronological order. These revisions altogether amounted to much modification of the original and much longer manuscript.

The present edition captures the core story of Andrew Gennett's memoir—a lively, interesting, and at times provocative account of his life, his business ventures, and the social and economic turbulence of his time. The original manuscript and the Gennett photo archive are reposited in the Appalachian Archives of Mars Hill College in Mars Hill, North Carolina.

The *Sound Wormy* manuscript was edited as a project of the Chattooga Conservancy, a nonprofit conservation organization based at Clayton, Georgia, in the Chattooga watershed, where many events in Mr. Gennett's memoir took place.

NICOLE HAYLER

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Sound Wormy

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Preface

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When a man has been active in public life and has associated with numerous men of importance, it is right and proper that he should write the history of his life and evaluate the character of the public men with whom he has come in contact. I have read numerous autobiographies in which the writer, by the witty character of his writing and the purity and power of his literary style, has made what he had to say—even though unimportant—both interesting and valuable.

I cannot personally justify myself by either of these excuses. While I have had a long and active life that has been sufficiently thrilling and exciting to me, it has contained nothing of value. What I have to say will be expressed with neither wit nor style. However, I feel that I can justify myself on the grounds that it is a pleasure to think back over the days that have gone, and perhaps, in days to come, my descendants may find something that would interest them in the conditions of life that existed during my time. Therefore, my only excuse is that I write for my own pleasure and for the gratification of my wife and children.

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ONE

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My Birth and Childhood

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I was born on December 12, 1874, at Nashville, Tennessee, in a little red brick cottage that had been built by my father after his marriage. My mother lived at first with her mother-in-law, and I doubt very much whether she was happy in that situation. But after my father built this place in which she lived for about eight years, she was very happy indeed and was an enthusiastic housewife. This little red brick cottage is still standing at 623 South Fourth Avenue (formerly Cherry Street) and was built on a part of the home lot where my grandfather had built a two-story brick home just prior to his death in 1856.

The house that my father built was not peculiar in any respect from similar ones in the city built at that time. It consisted of one long front room with a vestibule at the front side of it for the front door, three bedrooms, a dining room, and a kitchen across the back. The only thing that made it different from modern houses of the same class was the fact that all of the joists were of cedar, and the porch flooring, windowsills, and doorsills were also of red cedar.

At the time of my birth, my parents had been married a little more than seven years. Besides me they had one child, a daughter named Lady Gennett who was six years my senior, and one child who was born dead, two years older than I. My mother told me that all through the summer before

the birth of this second child she had watched the funerals caused by the dreaded scourge of Asiatic cholera go to the Baptist church, which was on a corner just above our house. When my father found it possible to get away from town, he took my mother in a buggy and drove forty miles through the country to Grandfather's place on Duck River in Hickman County, Tennessee. But it was too late, for my mother had already contracted the disease, and the child was stillborn. Mother had a terrific siege but afterward recovered. For four years longer I was the only child, a healthy, self-confident youngster. Then my brother, Nat, was born on the second day of March, 1878. An incident that I remember very well was him being carried into my bedroom by my aunt Fanny, who awakened me early one morning to see my new brother. My only comment was that he had a "leetle nose."

The only other incident that I remember prior to my fifth or sixth year was when Mother dressed Nat and me and sent us out for a walk in the early spring with Aunt Cleressa.[1] I was not quite ready at the time, and Aunt Cleressa started off with my brother. When I ran out on the sidewalk, I saw a couple I thought to be them three or four blocks down the street. I ran after them but soon became attracted by the music of a steam calliope that was being played on the wharf of the stern-wheel steamboat *Dora Cabler.* I went down on the bank of the river and sat there on the wharf for two or three hours among the crowd of Negro roustabouts and their women and gazed at the departing steamer.

Loads of freight were constantly being brought down the sloping wharf on the old-fashioned drays, pulled by one mule in shafts.[2] The steamer did not leave till just at dark, and the hurrying and bustling crowd, the noise of the calliope, and the excitement of getting up steam was a fascinating sight for a six year old.

In the meantime, Aunt Cleressa had reported my failure to join her. All of my father's employees at the store, besides the city fire department and the police department of Nashville, were on the lookout for me. Finally, one of the roustabouts on the wharf asked me my name and if I didn't think it was about time to go home. I was beginning to get a little bit uneasy on account of the falling darkness, and I started walking with him to the police station. On the way we met Jack Bennett, one of my father's employees and faithful workmen, who greeted me with great joy. He took me to my father's

store on Market Street, which was only a block or two from the river. My father carried me home, where I was reduced to tears at finding my mother prostrated. This incident occurred shortly after the disappearance of Charley Ross, and all mothers were fearful of a like bereavement.

It was at this time also that I remember the burning of the Central Presbyterian Church. We were all aroused in the night, and I looked out of the window as the church steeple spire crumpled and burned. I don't think I have ever seen a more beautiful picture than that of the fiery, burning cross against the black sky.

In every small city in this country there are two old maids who devote their lives to the teaching of children of subschool age. Nashville was no different in this respect from other cities, and we had in our section of the town Miss Merilla Ellis and Miss Agnes Ellis, two worn-out but very gentle spinsters who conducted a small school to which I was sent in my fifth year. I took to learning very eagerly and was for two or three years one of the brightest pupils in the school. Later on, when my brother, Nat, was sent to the school, he objected on the grounds that "brother" could read, and it was not necessary for him to learn.

At the time I attended the Ellises' school, I was an omnivorous reader. My father gave me four volumes of Rollins's *Ancient History* and used to tell with great pride that his eldest son read the history of the Carthaginians, the Persians, the Greeks, and the Romans. I read with avidity but with little understanding. I would not have it understood, however, that I confined myself to this type of heavy literature. I was very much interested in the *Youth's Companion,* which was a typical Boston publication similar in literary quality for juveniles to the *Atlantic Monthly* for adults. This juvenile magazine contained a great deal of worthwhile literature. Its continued stories were semi-adventurous, and I can recollect reading when I was seven or eight years old a story of the famous battle in which Sir Garnet Woolsley defeated the Arabs in the Sudan in 1882. Later on, Nat and I began to purchase large quantities of the Beadles Nickel Library literature and made the acquaintance of Deadwood Dick, Old Avalanche, and Calamity Jane. Many men of my age can remember back when their greatest hero was the handsome wild westerner who, mounted on his gallant black steed, would gallop down the canyons and rescue the heroine, all the while having a most

sad and eventful career. I remember other heroes of those old five-cent novels: Yosemite Sam, Yreka Jim, Yuba Dan, and Rosebud Rob.

I attended the Ellises' school for nearly three years. Then my mother took me to the public school in our ward that was known as the Howard School. The principal of this school was Mr. Woolwine, a man of progressive ideas who made a very great impression upon my youthful mind. He did not believe in physical punishment but devoted considerable time to making talks to the boys in the assembly rooms, while the girls were sent to their respective classes and were lectured by their lady teachers. Mr. Woolwine used to give us long lectures on hygiene, moral conduct, and similar subjects, which at that time were unknown to classrooms but have since become very common in the progressive public schools of the day.

The last year I attended public school, Mr. Woolwine lost his position and was supplanted by Mr. Zachary Brown, who believed that if you spared the rod you would spoil the child. He was backed by the majority of the school board. Scarcely a day passed that somebody was not given a thorough thrashing, which usually meant hitting the palm of the hand with a heavy ruler as many as a hundred times. I have often wondered why some of the boys did not get abscesses and inflammations from these punishments. I remember particularly one of my classmates, Horace Hill, a stubborn but not a bad boy, was beaten three times in succession because he would not apologize for some misdemeanor with which he was charged.

After being thrown out of the public schools, Professor Woolwine opened a school of his own. He solicited a number of boys and girls, of whom I was one, so that my next school was Professor Woolwine's school. Two of his lady teachers were Mrs. A. C. Bowen and Miss Julia Bloomstein, both of whom were far above the average in ability and teaching skill. They fell out with Mr. Woolwine during the course of the year—probably over their salaries—and the next year established a school of their own. I think my mother's sympathies were with the two ladies, for I discontinued attending Professor Woolwine's school at the end of the year and was transferred to their school.

After concluding my final year of schooling with Mrs. Bowen and Miss Bloomstein, I decided that I had been too erratic in my schoolwork. Therefore, I matriculated at Montgomery-Bell Academy, which was a prepara-

tory school for the University of Nashville. I stayed in this school for three years, graduating in 1891 when I was just past my sixteenth birthday. I have always bitterly regretted that I did not go on and finish my college course. But the desire for material success and the lack of good advice handicapped me.

In the spring of the year 1882, Father took Mother, Nat, and me to New Orleans. We saw a new country in northern Alabama, where the yellow pine grew plentifully, and in southern Alabama and Mississippi we first saw the swamps and tropical forests of the extreme South. We enjoyed the trip from Mobile to New Orleans along the shores of the Mississippi Sound, past the numerous small villages and summer resorts of that country.

When we arrived in New Orleans, it was the first day of the Mardi Gras Festival. We stood on the wharf at the foot of Canal Street along with the huge crowd of merrymakers and watched the advent of Rex, who sailed down the Mississippi on one of his palatial steamboats and landed with his retinue.[3] Later we saw the beautiful night parade and finally wound up at the big Rex Ball. This was not the social event of the evening, which was the Comus Ball, but it was attended by a large crowd of merrymakers and visitors.[4]

After the Mardi Gras, my father had some business to attend to. Mother took Nat and me to see Buffalo Bill's Wild West Show. We were thrilled at the sight of the outlaws robbing the stage coach and the Indian attack on the settler's cabin, which had been built out of the high grass enclosed in the race track. This show was exhibited at a place called Spanish Fort, ten miles from the city limits of New Orleans. We rode out to Spanish Fort on what was called the "Dummy." This was a narrow-gage train pulled by a bobtailed engine without a cowcatcher or a separate water and coal tender.[5]

There were only two or three coaches on the train, and as we started back, Buffalo Bill himself came on board our coach. He sat just across the aisle from us. We were thrilled at getting so close to this great wild westerner. Nat, who was just five, could not contain himself. His curiosity overcame him, and Nat stepped across the aisle and gazed soulfully up into the face of Buffalo Bill. The great plainsman was very kind to little children, and he seemed very much amused at Nat's evident curiosity. Buffalo Bill

lifted the small fellow onto one knee and showed him his diamond-studded gold watch. I remember it very well. Nat having broken the ice, I also stepped across the aisle and leaned up against Buffalo Bill's knee, looked at his watch, and showed very plainly my admiration and interest.

I subsequently saw Buffalo Bill several times in his show at Nashville. He was a great showman, but it seemed to me that I detected just a little bit that was false in his showmanship. His cowboys were too well dressed, his Indians were too disciplined, and the United States soldiers who represented Custer's command seemed to be entirely too accurate in their shooting. One of the scenes was the killing of Yellow Hand, an Indian chief.[6] Buffalo Bill charged with his cowboys into an ambuscade of Indians, and his horse was shot down. Yellow Hand rushed at him with his lance, from which waved several scalp locks. Buffalo Bill skillfully ducked under the lance and stabbed his enemy with a Bowie knife. As a matter of fact, it seemed to me that Buffalo Bill's show was mostly showmanship. There was very little that was realistic or true-to-life in it, and it reminded me of a dime novel.

It was during this period (1882) that Aunt Cleressa lost one of her sons in a manner that was quite usual in that day and time but that was very dramatic. He was named Van Angline, and he was a quiet, bright, colored boy and an inveterate and most skillful gambler. He had a great reputation among the Negroes of "Black Bottom" and was called by them "Bright Eyes." Bright Eyes spent his time taking care of us, taking us on fishing trips or bathing, while his evenings were spent with very desperate gamblers among the slums of the city. One night, a policeman came to Aunt Cleressa's back door and told her that her son had been stabbed in the Bucket of Blood Saloon and was dying. She left in a flurry of hysterical grief, as she was sincerely and devotedly attached to her son. It was a great shock to us when he was killed. The story was told that he had been winning steadily from two or three other Negroes, and they decided to stop the losses. They raised a quarrel with Van, and as he jumped out of his chair to fight, two of them grabbed him and held him by either arm, thus exposing his chest. Another stood off eight or ten feet and threw a butcher knife, which entered his heart and killed him almost instantly.

Shortly after this time, my father built a two-story brick building on

Summer Street, which was considered much more aristocratic than Cherry Street. It was located on the block that formerly had been occupied by the long frame barracks of the refugees who were seeking the protection of the Union Army during the Civil War. Most of these old barracks still stood on the vacant lots in back of our house during my early life.

The inhabitants of these barracks obtained their water from Buck Spring. This spring had been made famous in the early days of Nashville because it was frequented by hunters returning to the fort from the Overton Hills, and it was a favorite place of ambuscade used by the Indians. Many of the early settlers were killed at this spring. When the city water supply was put in, Buck Spring along with the other open springs within the city limits was covered over and diverted to a drainage sewer.

A little later, a brewery was built on these lots by two Scotchmen by the name of Walker. My earliest recollections are of exploring the underground passages and storage rooms in which the kegs and casks were kept, where beer was aged before being sold. Later, when artificial ice was invented, these cellars became obsolete, but the ice-made beer was never as good as that aged in the cellars.

It was during the period of my life between the ages of six and twenty that Mother would frequently take my younger brother, Nat, and me down to visit Grandmother Weems and the other members of the family at the old home place on Barton's Creek. To get to this place, we had to take the steamboat to Hagewood's Landing, also called Betsytown. This was always a great adventure to us, and just as soon as school ended in the summer we caught the first steamboat down the river.[7] We went down to the river on an old streetcar pulled by a pair of mules with tinkling bells attached to the hames and then walked from the intersection of Cherry Street and Broadway down to the wharf.[8]

It was a thrilling sight to see the steamboats lined up along the wharf, all headed upstream and overlapping each other with their gangplanks pointed across the prow upstream, and to watch the freight being rapidly taken on board. These boats were manned with husky colored men, with a new crew being signed on at the beginning of each voyage.

We would cross the gangplank of our boat, holding tightly to Father's hand, and climb the stairs to the saloon deck. Then we would mount as

quickly as possible to the hurricane deck, where we could watch the captain giving orders for the boat to start and see the pilot twirling his wheel in the pilothouse and jangling his bells.

The saloon deck was surrounded by a light banister of fancy grillwork. Generally, the steamers were painted white, and they presented a beautiful sight. The boat always backed out into the river and upstream perhaps half a mile, where it finally got straightened out for its downriver run. It would then come tearing past the wharf at full speed, the steam puffs rising from the alternate sides as the engines exhausted. Both gangplanks had been swung from their davits and were crowded with colored roustabouts waving their red bandanna handkerchiefs and singing at the top of their voices, "Old Pharaoh, he got drowned, drowned, drowned in the Red Sea!"[9] These singers were usually led by a sweet-voiced Negro who took his place on the extreme end of the gangplank and sang the verses while the others joined him on the choruses.

It was about a twelve-hour ride from Nashville to Betsytown. Though the distance was only forty or fifty miles, frequent stops to take on freight took considerable time. Usually, the first stop was Harpeth Shoals. The second stop would be Ashland City, the county seat of Cheatham County. This county produced large quantities of tobacco and wheat, and the warehouse at Ashland's Landing was always stuffed to the top with freight for the downriver steamboats. It was really interesting to watch the hands roll down a hogshead of tobacco to the wharf, checking it from time to time with a huge triangular block of wood into which had been inserted a long, hickory handle called a "nigger-head." While one man checked the hogshead with the nigger-head, two others on either end rolled it forward or retarded its fall, until finally it reached the gangplank and was rolled on board and stored on the main deck of the steamer. It was also a very interesting sight to watch the men load two or three hundred sacks of wheat. Two men would throw the sacks on the shoulders of a third, who would trot down the steep landing onto the steamer and deposit his load in its appointed place. These men always ran at a springy trot, with their shoulders hunched up and their arms swinging.

Usually, we got our supper shortly after the steamer started. The saloon cabin was then transformed into a dining room. A long row of tables and

chairs occupied the middle, leaving a narrow space on either side for the waiters. Nothing smelled more appetizing than the odors that penetrated the dining room from the kitchen in the rear. We would retire to our staterooms and sleep till three or four o'clock of the next morning, when we would be awakened and prepared for disembarkation at Betsytown.

The only house at Betsytown was occupied by the family of Mr. Eleazer, who, with his wife and two daughters, always made us welcome. Mr. Eleazer had been an officer in Uncle Van's regiment and was present when Uncle Van was fatally wounded at Atlanta. Mr. Eleazer's daughters were about grown and were quite attractive country girls, except that one of them was badly cross-eyed. I remember when she and her father came to our house, where an eye specialist performed an operation that straightened her eyes. In those days, there were no hospitals, and all operations of this kind were performed in a private home. Mr. Eleazer was very grateful and always was a good friend of our family.

Before breakfast at the Eleazer home, Nat and I used to go down to the bank of the river when the sun was just beginning to glint on its water and a light fog was rising, and we would skip stones and watch the fish leap. We never failed to be awed by the rush of the silent river and the rising of the sun. Presently, a call would come from the house, and we would hasten up to get our early breakfast.

Three or four hours later, Uncle Joe or some of his employees would come for us with a springless wagon into which we all piled. After four miles of rough and almost roadless travel, we would arrive at the old log house, where Nat and I would immediately become one-gallus country boys for the remainder of the summer.[10] In that day and time, the boys in the country wore overalls and a shirt, went barefooted, and enjoyed life generally.

We helped Uncle Joe's boys prime and worm tobacco, drop and hoe corn, and perform other agricultural duties. When Nat first started, being ignorant of how tobacco should be primed, he stripped the leaves from bottom to top, leaving the naked stalk to grow as it could. Uncle Joe stopped him after three or four rows had been destroyed and showed him the proper way to pull the lower leaves from the stalk.

Tobacco was the cash crop in those days, while corn produced bread for the table and food for the stock. For some time after the Civil War, the

struggle for existence was very hard. The purchase of a mule for the farm was a momentous matter and usually meant giving a long-term note. There were plenty of vegetables from the garden and plenty of country ham and game of various kinds for the table. But very little money did the farmers handle. The work was very severe, and time for leisure and recreation was rare.

When the chores were all completed, we used to start for the "Mud Hole" in Barton's Creek. The last one in had to carry an opprobrious name. We would start off through the cornfield at breakneck speed, discarding shirt and trousers as we went. We covered the last two or three hundred yards without a stitch on and splashed into the stream with gay abandon. We had two favorite swimming holes, one called the "Mud Hole" and the other called the "High Rock," each about the same distance from the house. It was great fun when the work was done to spend a large part of the day paddling in the stream. Sunday, it was practically an all-day affair.

Occasionally, we had an old-fashioned all-day picnic, with a canopy of leaves overhead to keep out the sun and a large area underfoot covered with sawdust on which to dance the square dances. These affairs usually ended in some kind of a fracas, which the youngsters enjoyed enormously. At one of these affairs a large, stalwart man named George Hand, an ex-bully who had "gotten religion," was challenged by a young country boy whose name was Job Proctor. After some time, George's ire was aroused, and, having a hand like a ham, he swung at the young fellow's jaw and keeled him over. Then he kicked him once or twice, ordering him to shut up his knife and get on his mule and go home. The young fellow, who was thoroughly cowed by the sudden attack, sat up holding his jaw and said, "Yes sir, Mr. Hand, yes sir! I'll shut up my knife, get on my mule, and go straight home!" All the little boys followed him down the road repeating with jeering accents, "Yes sir, Mr. Hand, yes sir! I'll shut up my knife, get on my mule, and go straight home!"

About this time, my father began to go to visit the Barton's Creek Farm. My father was just about as unsophisticated in country matters as these country boys were in city affairs, and one of their standing jokes on him was about taking him hunting for a groundhog one night. When they started out with nothing but a lantern to light their way, with the darkness

of the sky lighted only by the stars, my father felt almost as lonely and lost as a country boy would on Broadway in New York City. I have heard him tell how the stillness of the night worked on his nerves, how the shaking of the bushes by a rabbit or squirrel would startle him, and how he was almost frightened to death when a slithering black snake wriggled across his path.

Uncle Joe, Uncle Buck, and Uncle Chap took Father into the woods, where they had discovered a groundhog hole. They posted him at one end of the burrow, telling him that when the groundhog came out, he was to shoot it. Father asked the boys what kind of a beast the groundhog was and how large, and they assured him it was harmless. Building a fire to light up the scene, the boys turned loose a fierce dog at the other end of the burrow. The groundhog quickly burst out of Father's end of the hole with its fur standing straight up "looking as a lion," and it made a charge directly for him. Father was so alarmed that he dropped his gun and fled incontinently, to the great amusement of his brothers-in-law, who never stopped telling this story on him.

Uncle Joe was next in age to my mother and was her particular charge. I have heard my mother tell that it was at Gordon's Ferry that the first catastrophe of the Civil War was brought home to her. Uncle Joe had already joined Harvey's Alabama Scouts and been away to the war for several months. He returned one night with seven or eight of his compatriots, all in the highest spirits and the best good humor. When they arrived at my grandfather's house, it was reported to them that a party of Federal soldiers was camped at Gordon's Ferry. These young Confederate soldiers decided they would go down and rout out the party and have some fun with them. When they arrived at Gordon's Ferry, they found the Federal patrol camped two or three hundred yards away on the other side of the river. They could see several fires burning and the men cooking their suppers. The distance was too great for any harm to be done, but the Confederate patrol fired on the Federal party and were very much amused at the alarm and panic that ensued. Yet the amusement soon turned into pain and distress when an unseen party of Federal troopers in the shadow of the opposite bank returned the fire, and one of the Confederate boys fell mortally wounded. The party immediately broke to run. When they heard their comrade call out in agony, "Don't leave me, boys!" they returned to the

bank and searched for him in the dark. However, the fire from the opposite side was too warm for them to keep on until they reached him. His groans quickly died away, and they were compelled to go back home, knowing that their comrade was dead. My mother said that nothing during the war was more poignant or more pitiful than the distress and agony of those men, who had started out on a prank that ended in tragedy.

One last episode before I close these country days and times: Uncle Joe always had a big barbecue in the middle of July, after we had been with him about a month. A day or two before the affair, invitations were sent to kinspeople and associated kin in the surrounding neighborhood, usually the Cunninghams, the Ryes, and the Weemses. Uncle Joe would kill a hog and mutton, and Old Man Heath would dig a pit and gather a lot of dry hickory bark and start burning it near the pit. At sundown the two carcasses would be stretched on oaken sticks across the pit. All night long, Old Man Heath could keep the pit hot with hickory bark coals. About the middle of the night he would prepare a sauce of butter, vinegar, salt, and red pepper. Using a swabbing stick with a clean cotton rag on the end of it, he would baste the meat from time to time. Next morning, the barbecued meat would be done. A couple hundred yards below the house was a fine spring shaded by towering oak trees. Here the wooden tables would be erected, and places with wooden platters would be set for the guests. We would all gather for our favorite piece of pork or mutton barbecue, a huge piece of cornbread, and perhaps a slab of green apple pie and enjoy the feast. When we subsequently went into the lumber business and moved to the country, I am sure it was these happy experiences and our love for that type of life that made the country bearable and our lives enjoyable.

TWO

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Gennett Family History

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My grandfather was a poor Italian immigrant not more than twenty years old who found his way to Nashville about 1830, penniless and a stranger in the community. He had good business instincts and opened up a wholesale and retail grocery business on Second Avenue (then Market Street) in Nashville and soon became one of the leading merchants in the city. At his death he left an estate of about sixty thousand dollars, which was a very fair estate for that time and place. He died in the year 1856.

The business was continued after his death by my uncle Anthony Gennett and my grandmother, who was a little fiery woman with great practicability and driving force. Uncle Anthony and Grandmother continued to operate the business during the Civil War. Uncle James Gennett was the only one of her boys who was eligible for war service, and for several years he was in charge of a steamboat in the Confederate service on the Cumberland River. But after Fort Donelson was captured in February 1862 and the Federals captured Nashville, there was no further conscription, and none of the boys ever served in the Confederate Army.[1] When the war began in 1861, Father was fifteen or sixteen years of age. He was a very frail young man, suffering from both chronic dyspepsia and a severe hernia.

The Yankees continued to control Nashville throughout the whole period of the war, and my grandmother maintained her grocery business until

the war was over. In the meantime, Anthony Gennett's mind failed, and he became incapable of attending to any business. My father had attempted an excursion to Columbus, Georgia, where he opened a store and carried a stock of goods, though he was at that time only twenty years old. This business was very profitable. He and his partner, a young Englishman whom he met in Columbus, made a considerable fortune, which they invested in cotton and put on a steamboat for shipment to Apalachicola, Florida. On its passage the steamer was burned to the water's edge, and, as no insurance was being issued at that time, the entire stock of cotton was ruined and lost. After a few months' further trials and vicissitudes, my father returned to Nashville, having, as he often spoke of, "earned a fortune and lost it before he was twenty-one years of age." During the summer following his return to Nashville, Father and his younger brother Robert Gennett took over the business from my grandmother and Uncle Anthony. They established the firm of Gennett & Company, which was for many years one of the leading business houses of the city.

In 1874 my uncle Henry Gennett became of age, having graduated a year or two earlier from the public schools of the city of Nashville. He was by all odds the smartest and most active of the brothers. He married Alice Lumsden at a very early age. Mr. Lumsden was an Englishman of liberal thought and attainments.

In the meantime, my uncle James Gennett (the oldest brother) withdrew from the firm and established a line of steamboats that plowed up and down the Cumberland River. He remained in this business for quite a number of years. The firm Gennett & Company, wholesale and retail grocers, catered to the river trade and consisted of my father, my uncle Robert, and my uncle Henry Gennett. Until the year 1884, when Robert Gennett died, the firm of Gennett & Company continued to do business. A year or two after the death of Robert Gennett, his widow brought suit for accounting, and the firm was forcibly dissolved.

The new firm was called A & H Gennett and continued in existence until 1891, when disagreement arose between my father and Uncle Henry, who wanted to take into the firm another firm consisting of Charles Britt and Matthew Roberts. These men were strong, stalwart physical specimens but without much business ability and with no education. In the meantime,

my father had lost his health entirely. Uncle Henry did not feel that he could carry on the business successfully without more assistance.

Unfortunately, Uncle Henry knew very little of human nature. This was in the year 1891, and I had just graduated from Montgomery-Bell Academy. I was contemplating going to college when I received a letter from Uncle Henry that made me very indignant. He started off without any preamble or address and, sounding arrogant and high-handed, said I was now getting old enough to know what I wanted to do and that he had decided that he was either going to get complete control of the business or get out. He would either buy or sell, which put me in the necessity of deciding whether I wanted to go into the wholesale produce business or continue my schooling—all within ten days after my graduation. I did not have sense enough to realize that my schooling was unfinished and that there were many other things that I could do better than I could run a business. I did not realize that my father's health was practically gone and that another year or two would see his last days.

I decided to purchase Uncle Henry's interest in the business and come into the store and attempt to carry it on. I soon found that my father's health was unequal to the task and that I had assumed a burden that was heavier than I could bear. I had had no experience whatever in any kind of business and was particularly unequal to the task of conducting a produce business, which is one requiring alertness, experience, and indefatigable energy. However, I struggled through the business for more than eighteen months. At the end of this time, my father died. I decided that if I wanted to save anything out of the estate it was necessary for me to convert the business as soon as possible to protect the interests of my mother and brother. So after my father's death in January 1893, I got busy in an attempt to close out all accounts that could possibly be collected and to sell off all of the perishable goods. I succeeded in doing this by the early part of June 1893.

Later on in the summer, my younger brother and I bought excursion tickets to the League of Republican Clubs at Denver, Colorado. I remember very well attending these meetings at the old Tabor Theater. We had our rooms at the Tabor Hotel, which adjoined the theater. One of the memorable incidents about this trip was the fact that we had no idea of

posing as Republicans or holding any Republican office. One of the men on the train was a very staunch Tennessee Republican lawyer, Elijah Ashcraft, whose father had been noted as a Union man before and during the Civil War. He met us on the street one day and asked us if we did not want to be delegates to the League of Republican Clubs. He said that the state of Tennessee was entitled to thirty-one delegates, but only twenty-eight had enrolled to make the trip to Denver. We asked him what would be the inducement, and he stated that the first day they were going to have an excursion to a brewery, where we could have beer and sandwiches, free. Second, he said that the streetcar company had donated badges to the delegates, so that the delegates to the League of Republican Clubs could travel for free. Finally, he said that an excursion was being given by the Denver & Rio Grande Railway Company to Silver Plume, a mining town thirty or forty miles up the river, west of Denver. So we sold out our Democratic principles for a mess of pottage and voted vociferously as directed.

I recall that on the last day of the convention a motion was introduced to have separate primaries for the whites and Negroes in the Democratic states of the South. This, of course, was another effort to maintain race segregation. However, the Northern people were not in favor of this movement, and some very bitter speeches were made against the motion and against the Southern delegation and the Southern people.

In the meantime, my mother, brother, and I were living at the Summer Street house in Nashville. My brother had graduated from high school and obtained a job in the First National Bank. However, I began to feel that I could not succeed in Nashville, having failed to take my college degree as I should have done and having been forced to give up the business that my father left. I had nothing definite in sight for myself, and I was suffering from a slight bronchial throat, which my mother magnified into a threat of tuberculosis, as her mother and two sisters had died of this malady. Therefore, I decided to go to New Orleans, Louisiana, which always intrigued my imagination. I already had closed up all the business of the firm and invested all of the assets of my brother, mother, and myself. I moved to New Orleans, rented a house on Henry Clay Avenue, and began to live there.

New Orleans was a very fascinating place to me in those days. The French Opera House was still running full blast, the Begue Breakfast Res-

taurant was open, and the French influence of New Orleans was still predominant. I had some very good friends among the young men and young ladies at that place and enjoyed my two years there very much indeed. I was still far from getting settled in business as I was more or less suspicious of the efforts of other people to form a partnership with me and totally inadequate in my efforts to form a partnership with them. I do not criticize the difficulties young men have nowadays in locating in business or the job they want to make a life-job. I was difficult to please myself and apparently aimless for the ten years that had lapsed from the time I graduated from prep school in Nashville until I finally found myself located in the lumber business in Madison, South Carolina.[2]

I tried a year in medical college at Vanderbilt University and decided that medicine was not for me. I undertook one time to dissect a subject in connection with one of my classmates, who was a rattle-brained fellow. He was without any apparent conception of medicine, yet his one half of the subject, when it had been completed, was so much more perfectly done and so much more intelligently stripped out than mine that I decided at once I would not be an adequate doctor.

During the last year of my work at New Orleans I made around fifteen hundred dollars on commissions representing a Virginia shipment of stock peas, a California shipment of oranges, and a very considerable shipment of Illinois broom straw. These netted me a commission over and above my expenses, but unfortunately this was not over and above my living expenses. I found New Orleans much more expensive to live in than Nashville, and the social life of New Orleans was entirely too pleasant for me to buckle down to real work.

I made another decision to study law, which I was afraid I was not fitted to study on account of not having graduated in a college course. While continuing my work in New Orleans, during my last year I attended the law school of Tulane University. There I heard some very magnificent lectures on law from some of the most distinguished Louisiana lawyers. I also helped establish the Sigma Alpha Epsilon chapter of Tulane.

THREE

Lebanon Law School

In the fall of 1898 I returned to Tennessee and took up my work in the law school of Cumberland University at Lebanon, Tennessee, where my mother and I became domiciled in a boarding house operated by a Mrs. Patterson. I spent the winter there, as this law school required only one year's attendance at that time and the bar examination. I stood the bar examination and finally was admitted to the bar in the state of Tennessee. In the year 1899 I had some very pleasant contacts in Lebanon and spent a delightful and profitable last year of the century, when our group had a party to see the old year out and the new century in.

I returned to Nashville at the end of the year and opened a law office in that city, in the office of Colonel R. L. Morris. I had very little to do to give me occupation except the routine of real estate title examination and the closing of real estate transactions. I remained in the practice of law for nearly two years and began to find my way about pretty well.

I remember that my first initiation into politics was a campaign for prosecuting attorney of the county of Davidson, in which the city of Nashville was located. In that campaign, three candidates appeared. One of them, Mr. J. Wash Hudson, was definitely supported by the whiskey element of the city of Nashville. Prohibition at that time was the great political issue, with the Anti-Saloon League having aroused the political fever. An-

other candidate was Ed Price, whose law partner was famous in Tennessee annals as J. Wesley Gains. The third candidate from the Hermitage District was James Byrnes, who afterward was famous as Speaker of the House of Representatives under the Democratic administration of Franklin D. Roosevelt.

I was immediately taken up by Mr. Ed Price and became a member of his innermost council, along with two or three other ambitious young lawyers just beginning to practice in Nashville. One of them, Frank Lankford, later became a district court judge in Davidson County; Frank Bass became solicitor of the district; and the third, K. T. McConnico, who was by far the brightest and most experienced as well as the most powerful, became a leading lawyer at the Tennessee bar. I learned more in that one campaign about politics than I have ever learned before or since, and none of it was very good. Mr. Price subsequently withdrew from public life but had a long and successful career as a member of the Nashville bar. He defeated James Byrnes for attorney general, but in fact Mr. Byrnes's defeat was a stepping stone for his further success in politics, for he made such a good record in his race against E. E. Price that he was nominated and elected to the Hermitage District of Tennessee at the very next congressional election. Mr. Price had hoped his election as attorney general would be a stepping stone to Congress, but he defeated James Byrnes into the job, and Mr. Byrnes's subsequent career as congressman and Speaker of the House of Representatives was a long and honorable one.

After the next convention was over, Mr. Price invited McConnico, Mr. Bass, myself, and one or two other young lawyers to go on a vacation by steamboat down the Cumberland River to Paducah, Kentucky, and back. This was a week's very delightful trip, and with an ample supply of cigars, whiskey, and plenty of political things to talk about and legislative plans to discuss for the future, we set sail. If I had stayed in Tennessee that year, the same forces that elected Ed Price to the office of attorney general would have sent me to the legislature, where I would have been just about as ignorant as a two-year-old child, and where I probably would have been in the hands of powerful and unscrupulous parties that cared nothing for me individually but expected to use me for their own purposes.

FOUR

Entry into the Lumber Business

Fortunately for me, a change was coming in my life of which I knew nothing but that was to lead me far away from the chances of politics. One night early in 1901, my brother, Nat, came home highly excited and very much elated over the outlook of a timber purchase that he and his partner, Sam Ransome, had offered to them and that they were wild to look over. I knew nothing of timberlands, hardly knowing one tree from another, and very little of the possibilities of the lumber business. My health had been for some time very much on the decline and for lack of exercise seemed likely to continue to decline. I had determined either to buy a farm in the country or to do something that would give me outdoor work. The opportunity to go into the lumber business seemed ideal for the job, and Nat insisted that he would not go unless I would go along with him. So around April of the early spring, Sam Ransome, Nat, and myself, accompanied by a guide and timber broker by the name of R. B. Elliot, got on the train and went to Seneca, South Carolina, to look at the timber that Elliot was trying to sell to Gennett-Ransome Lumber Company. This tract consisted of a lot of marked trees lying along the Saluda River and its tributaries in Pickens County, South Carolina.

We went first to a stream called Devil's Fork, where a large quantity of poplar timber as fine as grows anywhere in South Carolina was located. We

went from there to Jocassee on the Keowee River, where we boarded with a man by the name of Brown, a very shrewd and perhaps not overscrupulous storekeeper.[1] There we decided that if the titles were good, we would go ahead and buy this timber—a foolhardy and reckless decision. However, all of it was talked over in public in the presence of Mr. Brown and Mr. Elliot, and our decision was made known.

We started to find the supposed owner of the land, a Mr. Tom Hastings, who lived at Dillsboro, North Carolina. It was agreed that I should make the trip to find him while Ransome, Elliot, and Nat went back to begin closing out our transactions in Tennessee. They had been engaged in buying rafts on the Cumberland River and having them sawed by a public mill.[2] The lumber was stacked in their lumberyard, and selling this largely constituted their business.

At the time there was a great deal of activity in the sale of timberlands throughout northwestern South Carolina, caused by the activities of a timber broker by the name of Johnson who had been sent down by the Benedict-Love Company.[3] He had bought for them a tract of land from the Haygood and McAden families at Charleston and was engaged in stirring up sales for other tracts.

We got back in our buggy and rode back up the Seneca River to Seneca, where I caught the train to Spartanburg, South Carolina, en route to Asheville. From there, I got on the train the next morning for the trip to Dillsboro. Brown telegraphed to Hastings, the owner of the land, to meet him in Asheville, while I took it that Hastings would lie at home in Dillsboro until I arrived. Hastings got on the train for Asheville as I caught the train for Dillsboro, and we passed at Waynesville, North Carolina.

It so happened that I had been talking to a traveling salesman and told him that I was going down to Dillsboro to see Hastings. He got off the train in Waynesville and saw Hastings on the train going to Asheville and told him there was a man on the train from Asheville who wanted to see him. So Hastings got off, came on my train, and went back with me to Dillsboro, completely fooling Brown, who expected to meet him in Asheville. However, in talking matters over with Hastings, I became convinced that the whole scheme was more or less dubious. I wired Nat to not do anything and to return to Nashville as early as possible by way of Knoxville.

When I arrived in Nashville I found that Ransome and Elliot were very much stirred up over the outcome of the transaction and that Mr. Elliot was especially anxious for us to take up another tract of timber. This tract was being advertised for sale in that country as twenty thousand poplar and white pine trees guaranteed to be twenty-four inches and up in diameter and exceptionally free from defects, at a price of $2.10 a tree. These trees were lying all around the watershed of the Chattooga River, which is the dividing line between Georgia and South Carolina, from the foot of the mountain twelve miles above the crossing of the Southern Railway, up to Fowler's Creek and White Creek lying in Cashiers Valley in North Carolina. The fact that these trees were scattered all over the roughest country in America did not seem to make very much impression upon Ransome, Nat, and myself, and the price of the timber was so low, averaging less than $1.50 per thousand, and the quality of the poplar was so high, it seemed impossible not to be able to get something out of it.[4] So we turned our attention to this tract of timber instead of the other tract, which I had given up.

Early in May 1902, Ransome, Elliot, and I went to Toccoa, Georgia, where we hired a carriage and drove up through what is now Stevens County and Habersham County to the mouth of Panther Creek just below Tallulah Falls.[5] At this place the first marked trees were located, and we left our carriage near the mouth of Panther Creek and went up to examine a tract known as Bear Cove. This cove contained as fine a body of timber as I wished to see and that even my inexperienced eye recognized as containing about five hundred thousand board feet of more-than-average-quality timber. Besides, it was extremely accessible to the river and could be gotten down to a boom at the railroad at very little cost.[6]

We crossed the river at the mouth of Panther Creek, which was one of my first experiences in fording a swift mountain stream. Where the stream was one hundred yards wide, the water came up over the buggy seat. On the South Carolina side, we left the river and struck back to a road leading parallel up the river and going back toward a mountaintop, close to the river where the next big cove of trees was said to be. We got out of our carriage and went down into this cove of timber, called Rholetter Cove, and it also contained a very large amount of fine poplar. I have several pictures of the Rholetter Cove and have one in which stood two of the largest trees—one

of them seven feet and four inches across the stump—standing within fifty yards of the river.

These two tracts of timber fired my enthusiasm, so we went farther back on the South Carolina side and up the river. On the ridge there was little timber, but I imagine that all of the coves along the river that we were passing were equally well timbered as the one we had just seen. Several streams headed at the top of a mountain and went down through the coves to the river. One of them was known as Shoulder Bone Creek, which afterward I found contained some very fine timber.[7]

We spent the night in South Carolina at Henry Cannon's store, which was about three miles from the Iron Bridge crossing the Chattooga River.[8] I crossed the river back to the Georgia side at the Iron Bridge, as I had no more time to spend on the investigation. Besides, I was like Ransome, carried away with what I had already seen, and we arranged immediately to buy the timber and operate it. It seemed to me that it would be very easy to make twenty dollars per thousand, or one million dollars, on the timber within two or three years, while regaining my health and renewing my law practice in a dilettante sort of way. In fact, everything looked bright and rosy. So I returned by way of Warwoman Creek to Clayton, Georgia, and from there to Tallulah Falls. There, we took a train back home.

I will say in defense of my own judgment that it so happened that the three most accessible and desirable tracts of marked poplar trees in the whole boundary were the ones that I saw. Just at the time that I had come into this enterprise, various other well-known lumbermen, finding it difficult to supply their wants, had begun to move their mills to the country. Timber purchases were being made frequently all over the Appalachian Mountains. We were not much more foolish than other, more experienced lumbermen would have been under those circumstances. It was in this manner that I drifted into the lumber business: both eyes closed and my mouth open, with the complete appearance of a perfect sucker.

So about the middle of May 1902 we all came to Madison, South Carolina, hired a buggy, and drove into the country on the river. We found a boarding place with a family named Jarrett who had been large planters in antebellum days. We searched the river for what Mr. Elliot called "boom sites" but that I afterward found out he knew nothing whatever about.

We finally chose a place about three miles below the Southern Railroad bridge, now the highway bridge across the Chattooga River on the South Carolina side.[9]

Our plan was arranged to build a Norcross boom at a big bend in the river where the water slowed down and where by change of direction there was a large extent of bottomland through which the river ran. We then made a contract with Mr. Kirkpatrick, a sawmill man in Nashville, to take his old sawmill down to Madison and saw the lumber on contract. He put this mill in charge of his young son Johnnie Kirkpatrick, who was about twenty-five years old and married to a very attractive, city-bred young lady who found life in the country unendurable.

In purchasing the timber, we had agreed that one of the notes should be marked "nonnegotiable" and that the trees should be counted. All trees found lacking in quality, undersized, or carrying defects were to be deducted in full from the nonnegotiable note. The total purchase price was $52,500, with the notes for $17,500 each and a cash payment of $17,500. I don't think I ever worked harder or faster in my life than I did after we had picked out our sawmill site and started the process of building the mill and the boom. I went up to Williamsburg, Kentucky, where a boom of similar kind had been in operation, and I talked with many men who had been boom builders. All through the summer and fall I tramped through those tough mountains trying to find marked trees. Nat and Ransome were supposed to take alternate weeks with me, but I put in most of the time.

It did not take us long to find out that none of us knew what we were doing, and particularly Mr. Elliot was absolutely ignorant of boom building, and Johnnie Kirkpatrick was no crackerjack at building a mill. However, he got the mill ready around November, while we had no floods to bring logs. We also had gotten a logging contract with a man named Cogdill who had four yokes of steers on Panther Creek. He began putting the logs in there while we made a contract with another contractor named Holbrook, putting four yokes of steers on Rholetter Cove. However, before this job was completed Holbrook was struck by a rolling log and seriously injured. We really were getting along very rapidly with our work and gaining knowledge of the obstacle we had undertaken to overcome.

By the early part of the fall, we had become thoroughly convinced that

we were hornswoggled and that nothing but the most desperate efforts could possibly pull us out of the hole. Both Nat and myself had bound ourselves to make this effort, but it was extremely depressing to realize we were furnishing the money that was to go in jeopardy. It seemed practically certain that none of the money we were putting out would come back to us. The labor of hunting the marked trees and the difficulties that lay ahead of us bore very hard on my nerves and on Nat's also, but we tried to keep a stiff upper lip.

In the meantime, Mr. Kirkpatrick had finished his mill. He about had come to the conclusion that our plan was a failure, that he would have nothing to saw, and that the mill was going to be completely a loss to him. However, it was an old mill and cost him only seven or eight thousand dollars, but I could see that he was itching to get rid of it. Johnnie Kirkpatrick, through the influence of his wife, was all ready to go back to Tennessee.

Kirkpatrick had a man working for him building the mill by the name of John Tyler. He was a fine mechanic but had absolutely no loyalty or scrupulousness of any kind. When Mr. Kirkpatrick came down to the mill to investigate, this mechanic very opportunely found a bolt in the cylinder engine that if it had been left there and the cylinder filled with steam would have torn the engine to pieces. I think Kirkpatrick immediately jumped to the conclusion that we were responsible for this bolt, but I can pledge my faith by all that I hold holy that nothing of the sort had ever entered my mind. Kirkpatrick, however, was firmly convinced that we were guilty.

I had to go back to Atlanta to negotiate with some of the timber owners about the notes. We were very much discouraged, as it looked as if we had thrown all the money our father left us to the dogs. Nat took it very hard, as he always did, cursing everything and everybody and saying that he would go back to South Bend, Indiana, where the owners of the timber were, and shoot them both. I soothed him down, but my mind was fully made up to get the money back sooner or later and stick to the game until the bitter end.

When I arrived in Atlanta, Kirkpatrick and I had breakfast together while Nat was recovering his equilibrium, and very abruptly he offered to sell us the sawmill, which had cost him about $8,000. It dawned on me that he was afraid to work with us because he was afraid we would blow up his

mill or burn it or tear it all to pieces, because he imagined that we were responsible for putting that bolt in the cylinder. Therefore, I showed very little desire to buy. He pressed the case, and I asked him to name a price. He asked $4,000 for it. While I did not know whether it was worth even the price he asked, I made up my mind immediately and very much to my surprise gave him a check for $4,000.

I went to South Bend, Indiana, and closed up the deal with the timber owners, who agreed to send another man down to count and mark the trees. This was a surveyor from Monroe County, Tennessee, who was a very athletic man, almost putting me out of business in his tramps across the mountains. However, I made a point that we were going to fight over each tree that the man measured to be certain that it came within the specifications of the contract and that it was sound at the butt and reasonably accessible to the river. All of these conditions were clauses in the contract, so this necessitated examining each poplar tree and each creek and hollow. If you don't think that was a big job, try one hollow. I think it was there that my love of the woods and the examination of timber first began. While I toiled and sweated over these rough creeks and hollows, I was learning the timber, its size, its quantity, and the way it grew.

Nat occasionally would alternate with me, and Sam Ransome was supposed to alternate with us also. I came home from a trip up Cliff Creek to spend the Sunday, of course exhausted from my week's work, and was ready to turn the job over to somebody else the next week.[10] But when I got back I found Sam Ransome, whose turn it was to go, had gotten stuck on a girl who had visited at Toccoa. He had gone off on a trip to Pensacola, Florida, for a whole week on our money, leaving us in jeopardy when we were fighting so hard to try to save our investment. We already had put sixty thousand dollars into the deal. Ransome put up twenty-five hundred dollars, while all the needed balance would come from us. When I came back and found Sam missing, I became very much enraged at the lack of interest he was displaying in the job and the lack of fight he was putting up. When he came back from his frolic I told Sam that if he was going to stay on the job, he would have to work at it. By this time Sam was convinced that the whole job was a failure. He and Mr. Kirkpatrick had talked it over, and Sam said that he would sell out. So we paid Sam back, and Nat and I were left about

the middle of August with the entire job on our inexperienced hands. However, Nat did know the grades of lumber and was interested in grading it himself and seeing it come through.

While the winter was shutting down on us and the rains were beginning to come, we were hopeful that some of the logs also would begin to come in. In the meantime, during the fall the idea dawned on us that we might be able to buy in some lumber from circular mills.[11] But we found all circular mills in that section were definitely cutting yellow pine, and none were cutting hardwood lumber. At the same time, Sam Ransome, with his money in hand, decided that there was a fine opportunity for opening a hardwood lumberyard at Greenville, South Carolina. He induced his brother John, who had a large lumber business in Nashville, to put up an additional twenty-five hundred dollars and send a lumber inspector down to Greenville, where he opened a yard.

No falling-out had come between the Gennetts and Ransomes; he was always a welcome guest because he was excellent company and loved to sing and play. His visits were usually holidays with us. He came down to Madison once. I had been thinking about his conflict with us in the circular mill business, and I knew it would not do for both of us to try to handle this business without some sort of understanding. So I told him we would like to divide up the territory from Toccoa, Georgia, to Greenville, South Carolina, a distance of thirty or forty miles. We would take the territory east of Toccoa, a distance of fifteen miles. Sam was very reluctant to do this, saying that we would be so busy with our sawmill that we would not have time to do any circular mill business. Then I asked Sam if he could not set a price that we could buy at and neither of us buy below that price, but he would not agree. He said certainly he wanted to get all of the circular mill business that he could, and we were bound to get some also. I said that we wouldn't buy except on grade, that is, we wouldn't buy from those little circular mill men who didn't know anything about grade, and that he was going to get the lumber and was going to buy it mill-run.[12] I said, "Sam, I have made every proposition we can by which we won't split on this or conflict; now, we are going to get all the lumber we can get." He said that he was going to get all of it anyhow.

Nat was deeply interested in buying this circular mill business. We

bought lumber that fall and were fortunate enough to get two mill men who would not sell to Ransome. They preferred to sell to us on grade than to get a little more on log-run lumber.[13] One man by the name of Patton was sawing white oak and knew how to get it out, so we got 150,000 feet or more of beautiful quality white oak. Nat insisted that he cut mostly quartered oak.[14] The other fellows cut three- and four-inch poplar boards out of the large poplar logs on Battle Creek, twelve miles above Madison.[15] We got about 300,000 or 400,000 feet of this poplar, on which the profit was very good.

In the meantime, Sam was getting in about one million feet of lumber. About Christmastime I went up into the woods where Patton was cutting white oak at about the same distance from Westminster as it was from the station at Madison. When I arrived there I found that two wagons were being loaded by Patton's crew, one with the better boards of the one-inch lumber, and the other with the poorer. The one with the good lumber was going to our yard at Madison, while the so-called log-run lumber—which Patton was buying from other little circular mill men in the neighborhood as culls and selling to Ransome as log-run—was going to Greenville.

That year we bought 660,000 feet of lumber, most of which was inspected by Nat. We had an average profit after all expenses were paid of nearly fifteen dollars per thousand board feet. I feel quite sure that we made at least ten thousand dollars on the first batch of lumber that we bought, but Sam handled more than 3 million feet. The next summer, Sam's enterprise broke. His brother sent a man down from Nashville to close the operation and put Sam back on the road selling flooring. This he continued to do for several years after that. Sam tried to operate a tract of timber at Oriental, South Carolina, and one above Clayton, Georgia, where a young mountaineer became insanely jealous of him without reason and shot at him three times with a pistol. Sam finally sold out his timber and gave up his sawmill enterprise.

Sam was a good boy and so was Johnnie Kirkpatrick, but neither one of them had the necessity to dig that we had. They had no money to lose, so losing it did not have the effect on them that it had on us. When Johnnie left Madison on the train after his father sold out, he carefully lifted his suitcase onto the platform, took out his pocket handkerchief, and daintily

dusted his shoes, saying, "I hereby dust the dust of South Carolina forever from my feet." When Sam Ransome got ready to leave after he had been paid his twenty-five hundred dollars, after bidding a cordial good-bye and waving good luck to everybody and everything he said, "I hereby dust the dust of the country forever off my feet. I am going back to the bright lights and sidewalks and leave you fellows out here to struggle in these woods."

Nat and I were left alone, very forlorn and desolate, with nothing but years of long and perhaps unprofitable drudgery to look forward to. But we struggled on. Nat inspected most of the lumber that we cut and bought, while I stayed in the woods. About this time one of the problems we had was to get another riverman, as I had become convinced that Elliot knew nothing about this. I went to Williamsburg, Kentucky, and brought a man from there who practically finished the boom and did it in a fairly good way, though he was not as expert as Whitehouse, the man we subsequently got.

One memorable experience occurred at this time when we were getting out logs for building the boom. These logs were 35-, 40-, and 50-foot hemlock logs, thirty to forty inches in diameter, peeled and allowed to dry. The logs had to be floated down Panther Creek and the river to the boom twenty miles away. I chain-dogged a raft of those logs together and started down on the rise of the river.[16] One of the difficulties was stopping it when we wanted to. We would take a coil of rope and coil it at the upper end of the raft and fasten it at the lower end, then push the raft over to where we could reach a tree, around which we would wrap the coil of rope. As the weight of the raft fell against the coils of the rope, we would snub it out slowly so that the raft had to pull against the coils of the rope, making it possible for us to slow down and finally bring the raft to a stop at the bank of the swift river. This was quite an experience for one who knew as little as I did about business of this kind—guiding the raft and floating down on it.

All through the fall we played around on the boom. We dug deep holes in the bank and bedded logs, against which upright logs were placed called "dead men," to which we tied the ropes leading to the boom.[17]

FIVE

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First Run of Logs, February 2, 1903

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It was about the second of February, 1903, that our first logs began to come. We had an excellent flood, and all preparations were made for it. The boom was completed; men were kept on the platform of the boom watching for the signs of the flood; and finally, it came.

It so happened that the logs caught inside the boom jammed, and the swiftness of the river current began sucking the logs out from under the jam. This was reported to Nat, and we began to have fears of a pretty heavy loss. We had only 200,000 or 300,000 board feet of logs to come down the river, and we were very anxious to get them all in. When Nat gave the riverman orders to go and break down the jam, the riverman cursed him out, and they came very near to having a fight. Finally, I said that I would go with him.

In that bleak, cold, black night he and I started walking down along the boom. I had a peavey and a heavy overcoat, and he carried a kerosene lantern and a pike pole.[1] Our boots were corked with long, one-half-inch cork.[2] We got down to the jam and began prying the logs apart, and the pile of logs began to break up. The riverman instantly ran ashore—which was only a few feet—and was safe, but when I started to run I was so tired that I could not make it. The logs rolled out from under me, leaving me fifteen or twenty feet from the shore, too far for him to reach me with the pike pole.

My clothes were heavy and my overcoat was very thick, which helped me to float for a few seconds. I floated down the river toward the raft of logs, where I knew that I would be sucked under instantly and drowned.

It was spitting snow, and just a few stars were out. Suddenly, I noticed a black streak between me and the sky and threw my hand up, catching hold of the rope that had been tied to the boom and fastened to posts on the banks to hold it tight. In an instant I pulled myself toward the shore a few feet. The riverman pulled me out with the pike pole, and with a hard struggle I got to the top of the riverbank. By this time I was pretty thoroughly wet, and it was a mile and a half to the house.

When Nat found out about our accident, he telephoned our house (we had in the meantime bought a frame cottage, and Mother had come down to stay with us). Mother had hot blankets and a hot toddy all ready for my arrival, and the colored man, Robert, who stayed on the place, rubbed me down with towels. I went to sleep sitting in a rocking chair before the fire and got up the next morning feeling fine and none the worse on account of my accident.

Nat also fell into the river one time during the winter. He fell on the outside of the boom where there was no danger of being caught under the raft of logs but a great danger of being swept on down the middle of that broad and swift stream. The Chattooga River at that place had a very high rise, as the water was backed up by a creek that also came in there.[3] Here I have known the river to rise as high as twenty-eight feet in one flood.

With the flood on the second of February we again renewed our courage and confidence, which had been very seriously dissipated by Kirkpatrick's adverse comments on our proposition and by the utter withdrawal of Sam Ransome, who had been in conference with his brother, John B. Ransome. Both Dr. Kirkpatrick and Ransome were old, experienced lumbermen capable of analyzing a proposition and measuring its possibilities. Our confidence was further enhanced by the spring floods in the year 1903, which came with regularity about every two weeks throughout the months of March, April, and May. These floods were big enough to bring in the logs and gentle enough so as to cause no difficulty in catching them. In fact, the only bad night we had was that dark night of February 2, when most of the logs came in.

In the meantime, we started the mill. I had made excursions to Nashville and Chattanooga in search of men to run the edger, trimmer, and engine.[4] I brought several colored men back with me and John Tyler, who was Kirkpatrick's old sawyer. In spite of his temperamental and fractious disposition, Tyler was one of the most competent mechanics I ever knew, and he made our mill run as well as it could possibly be run. Soon we had a good lot of lumber on sticks.[5]

Besides this we began to get in some lumber from the little mills, but the price of lumber fell off materially in the early part of 1903, during which time we had a slight business depression. Nat and I, however, passed the fall of 1902 and winter of 1903 in very good condition and very good spirits, after having once disposed of the controversy about the timber with Simonson at South Bend, Indiana. During that fall and winter we had many amusing and heartening experiences.

The first one I recall, however, was more or less disheartening. We had just started the mill, and I went there early one morning to see how it was getting along. When I arrived, I found that the water in the boiler was not visible in the steam gauge at all. I called Tyler, and he made a search for our fireman and engineer, a colored man, and found him sound asleep on the sawdust pile with his breath smelling so strongly of liquor it almost caught fire. I have to give Tyler credit for having courage, because he raked out the coals of the fire and turned cold water through the pump and into the boiler. I confess that I expected to be blown half a mile from the explosion, but fortunately for us the drawing of the fire had cooled off the bottom plates of the firebox, and it did not explode.

I began to inquire into the cause of this catastrophe. In going along a little path about one hundred yards above the mill, I found that two bootleggers had dropped down in a boat to a point opposite the mill and were selling corn liquor to our mill men. I was of course furious at this action, but I handled it with caution. I told these men about the danger through which we had just passed and that I had no objections to their selling liquor to our men in town. However, if I ever caught them near the river or in any way selling liquor to our employees while at work, I would certainly have them arrested. This threat answered the purpose, and we were never again bothered with the sale of liquor to our employees at work.

Also, I remember another night a Negro man in the neighborhood was carried out by some white men, beaten with branches from an alder tree, and left almost unconscious. It was as brutal a beating as I ever heard of. The next day in a crowd, I expressed my abhorrence of such an act. I immediately sensed very unpleasant and possibly serious consequences if I said anything further, because half the men in the crowd had been implicated in the beating. These men were good men but were filled with the philosophy that the white man must control the Negro, which only could be done by instilling fear into the inferior race. But so far as we were concerned we never had any trouble with the Negro race and found them always loyal, hardworking characters. We found them nearly as good and in some cases better than some of the trifling white men with whom we had to do business. But we found the white laborers in the edge of the mountains, who have always borne a bad name as workmen, sufficiently satisfactory employees. Certainly, I would have nothing to say against the white mountain laborers, so many of whom have gone to the cotton mills and who have always borne a rather poor reputation for energy and thrift.

Throughout this fall, Nat found great consolation in bird hunting in the country around Madison. There were plenty of birds, and he never went out without bringing back a big bag of game. I remember our old bird dog, Belle—there never was a better one. We also found great pleasure in Nat's music. We always had a good bottle of Cascade liquor from the old liquor stores in Nashville, and when Sam Ransome came to visit us we would build a big fire and have our toddies and highballs. Sam would sing and Nat would play before a big, roaring country fire, which would make a delightful evening. I remember some of the songs that Sam brought, like "The Shade of the Sheltering Palm" and "By the Congo." They bring back very cheerful memories of our first experiences in the lumber business forty years ago. Nat's music, his gun, and his dogs were his constant solace, and he was an expert shot.

SIX

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New Camps on the Chattooga River

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In the spring of 1903 the floods were adequate in character: just high enough to bring in the logs without alarming us in any way about catching them. Our spirits rose and with them our plans for the next year's run. Around the first of June I started upriver to the lower camp, which then was located at Panther Creek in Habersham County, Georgia, with intentions of operating all along the river to its head. My first plan was to purchase more cattle and to use the animals for logging purposes.[1]

I made a horseback trip to Cherokee County in North Carolina and also to Graham County, passing through Towns County, Georgia, and Clay County in North Carolina. I found a logging contractor twelve or fifteen miles down the Hiawassee River below Murphy and from him bought eight yokes of steers. These animals were carried back to Hanging Dog Creek and put in a meadow belonging to Mr. Phil Lovin Sr., uncle of the Phil Lovin who had logged for us on Panther Creek. I also bought two yokes of steers in Towns County from John Tiger and two yokes at Andrews, North Carolina, from Old Man Williams, who has been in the lumber business at Asheville ever since.

I knew nothing of cattle or trading, but I was young and self-confident. After getting all these steers together, I employed a number of Swain and Graham County youths who were familiar with mountain logging to drive

them through to our camp on the Chattooga River. In this way I succeeded in getting a number of very competent men, all of whom, however, were dodging law warrants of one kind or another. Practically all of them were outlaws. Of the two hundred men who worked for me during the years 1903 and 1904, all but about a half dozen either were dodging the law or had just finished serving a sentence. Most of them were guilty only of bootlegging, but we had one or two men who were really desperate characters. One of these was accused of having killed four men up to that time. Two of these boys from Swain County were Calhouns from Wayside, North Carolina. Another was named Barrett. These boys worked for me for about two years, and within a month after they returned to North Carolina, Barrett killed both Calhoun boys on the platform of a store at Wayside. Another one, Mack Lovin, who already possessed a large scar across his face that he had gotten in a brawl, was drowned in the Tennessee River shortly after having left us.

I first established a logging camp with Phil Lovin from Yellow Creek in Graham County, North Carolina, as foreman over on the South Carolina side of the Chattooga River at Shoulder Bone Creek. His wife, Louisa, did the camp cooking. I was very fond of both of them, and most of the knowledge and experience I had of the woods were obtained in Phil's company.

It was at this Shoulder Bone camp that we built our first log chute.[2] Subsequently, a camp was established on the Rabun County, Georgia, side at a place called Camp Creek, and from this camp the three small streams above it were logged and worked.[3] These streams obtained their names from the old surveyors sent out by the state of Georgia in 1818 who were to lay off four-hundred-acre tracts to be disposed of to old Revolutionary War soldiers. The creek on which we camped obtained the name Camp Creek from the fact that these surveyors established their camp ninety years before on the same stream. These old fellows, in a sense of humor, named the streams just below Camp Creek "Bad Creek," "Wuss Creek," and "Wusser Creek." I remember that at the mouth of Wuss Creek at a big bend in the river there was a deep hole where the water ran sluggishly and placidly that was known as the "Deep Hole of Sock-in-Dog."[4] It was said to have obtained its name from an old Indian who "socked in" his dog at this place and made him swim out.

It was while we were camped on Camp Creek that several incidents occurred that were particularly humorous. I had employed an old Baptist preacher to go with me on a timber cruise of several days' duration. While we were on this trip a very heavy rain began, and presently we came to the edge of a steep bluff, probably seventy-five feet high. The old fellow started confidently down the bluff and had gone only a short distance when his feet flew out from under him, and he slipped and scrambled to the bottom. He got up rubbing the bruised part of his anatomy and with intense expression said, "Gosh darn, campfire and 'foetida'!" This struck me as being a most satisfactory comment without being profane, and I have used the expression many times since under similar circumstances.

It was also on Camp Creek that I boarded with Aunt Fannie Smith, a notorious old woman who had dealt all her life in liquor but was also a competent and successful housewife. She raised a large family of children, and all her daughters were excellent cooks. I boarded with several of them because I knew I would get plenty of good food and a clean room.

On one of my visits to Aunt Fannie's house, I received one of the most satisfactory compliments ever given to me. Staying with Aunt Fannie at the time was her granddaughter Leila Turpin, a pretty little girl with rosy cheeks and light blue eyes. Leila made quite an impression on my susceptible young heart, and I spent lots of time bringing water from the spring house, grinding coffee in the kitchen, and performing similar chores. Once when I was coming back from the spring house I heard Aunt Fannie in the kitchen remarking to Leila, "Leila, what do you think of that thar feller, Gee-net?" Leila quite modestly answered, "Well, I don't know, Grandmaw, he seems to be a right nice feller." Aunt Fannie said, "Law, law, Leila, if I was a young gal like you, I'd jump on that Gee-net like a duck on a june bug."

It was at Aunt Fannie's place that I obtained my first introduction to corn liquor. I had been out on a trip counting trees with two men, one of whom was a drunkard who could not resist the taste of liquor, while the other was an extreme prohibitionist, rabid in his feeling against alcohol. Therefore, when I returned tired and worn out at dusk I did not believe that either one of these men should be trusted with a drink, but I knew Aunt Fannie could fix me up a toddy. So I slipped around to the kitchen

and asked the old lady for one. Aunt Fannie said she always had some for her friends, and she went down into the cellar and came back with a large tumbler full of a colorless liquid, with sugar at the bottom and sprinkled with a few specks of black pepper on top. I thought she had fixed up a toddy just for me, when in reality she had gotten a full glass of liquor to be divided among the three of us. But I went off alone to the side of the hill and sipped the whole tumblerful of raw spirits. What it did to me was plenty, and when the word got around that I had consumed enough corn liquor for three men, I was the butt of a good many crude jokes.

I cannot say that I have ever liked the taste of homemade corn liquor, and I like the effect still less. But during the three years of my logging experience in Rabun County, it was so plentiful that it became a habit to carry a bottle with a corncob stopper and to take a swig of it two or three times during the day. Many times I have been out at night with the moonshiners making a run. It was a weird and interesting sight to see the still furnace with its fire blazing and three or four dark figures chopping wood, pouring in the mash, and testing the whiskey as it came from the still "worm."

The best-tasting concoction of moonshine liquor I ever had in my life was when Tom Ritchie and I were cruising timber on Plum Orchard Creek one cold, bleak, and snowy wintry day. We had been riding all morning and were worn out when we arrived at the home of Mr. Nicholson, where Tom thought we could land a quart of liquor. But Mr. Nicholson said he didn't have anything but a quart of bitters, made from cherry bark and spignet root.[5] Tom and I bought the quart, and as the snow soon turned to rain we found it a useful ally against the cold and germs, as well as enjoying a tasty and novel concoction.

Corn liquor is made by first sprinkling the corn with water and spreading it out thickly in a warm room. It soon sprouts, and the sprouts and corn are then ground for the malt. This malt is mixed in barrels or watertight boxes with meal and covered with water. After a few days the meal swells up and turns sour. Then it is stirred with wooden paddles, and more water is poured in. After a few weeks the meal floats on top in a frothy scum, while, underneath, the water is thoroughly impregnated with malt and meal and turns into what is called "still beer."

Then the copper still is set up on an oven of rocks daubed with mud and filled with still beer. A fire is kindled, and liquor is distilled from the beer. The first run is called the "singlings." This, along with another load of beer and meal, is put back into the still and again run off; this is called the "doublings." A copper tube runs off from the still over which flows cold water from a branch or spring, which cools the distilled spirits. This is called a "worm." The condensed spirits pass through the worm and are caught in a jug or bottle and tested by shaking. If the liquor bubbles, it is good. This process takes two or three weeks.

Continuing my plan of operations: I made contracts on the South Carolina side of the Chattooga River with a man named Phillips who had the reputation of being the local bad man, though I did not know it at the time. Farther up the stream I established a camp on the Georgia side of what is called the Iron Bridge, on the road between Walhalla, South Carolina, and Clayton, Georgia. It was at this camp, which consisted of only a single log cabin, that there occurred one of the most dramatic brawls that I remember happening in these years.

Four of the men sat down to play cards, all of them drinking and rendered reckless by their intoxication. Each accused the other of having stolen the jack. One slipped his pistol out of his pocket and put it in his lap. Speaking to the fellow across the table he said, "William, I saw you steal that jack." William pulled his pistol and shot directly at his adversary's face. The bullet passed through the upturned brim of his felt hat. In an instant the man who had almost been killed had risen to his feet and grabbed a Winchester from the wall, while the other three boys piled on William and took his pistol, knocked him off the three-legged stool on which he was sitting, and landed him on his back in a corner. One of the men drew a spring-back knife and while pressing it against William's throat told the fellow who had been fired at, "Say the word, Pat, and I will cut his throat." In the meantime, the man with the Winchester pushed the muzzle of the rifle into the other fellow's breast and threatened at the same time to blow him to hell. I confess that I was very badly frightened, particularly in view of the fact that most of the other boys in the camp had scampered through the windows and doors, and I was left with the potential killers. I grabbed the man with the Winchester by the arm and begged him not to fire, as it would be a cold, brutal murder, and he would have to swing for it. I could

see him relax and draw back, and he said, "I wouldn't kill a damned dog in a corner." The crowd gradually got to their feet, including the man who had been knocked into the corner, and I told him to go across the river to the camp on the South Carolina side. He got up, shook himself like a dog coming out of the water, and very deliberately walked to the door and went out, while he knew all around him were the works of death. It was several days before I recovered from the shock of this incident.

One other incident of that period occurred at our camp on the upper end of Panther Creek. The contractor doing the logging was Mr. W. J. Cogdill, former sheriff of Graham County, whose left hand was drawn from a knife wound and whose throat showed a scar extending from the back of the ear to the front of the throat. Nat went up there one time to scale logs for him, and, as usual, whenever Nat got into trouble he brought it back to me to throw oil on the troubled waters and bring back peace for all concerned. After a few logs had been measured by Nat, Cogdill refused to allow him to measure any more and stated that he should never measure for him again. So Nat sent me up there to see what I could do.

I arrived at Cogdill's camp about sundown and found him up in the woods, which were reached by a small trail close beside the creek. I went up to see him, and we had a very pleasant talk. On the way back to his camp Cogdill maneuvered so that I walked ahead of him, and he stumbled and threw his knee against my hip pocket, which evidently was done for the purpose of finding out whether I was armed. I had put the little pearl-handled pistol that I usually carried on these trips into my front pocket, so when we got back to the camp Cogdill's attitude still was very pleasant.

He built up a big fire in the log cabin, and leaning against the chimney was a four- or five-foot iron that was used for a poker. He punched the fire and put the poker on his side of the fireplace, which was only a foot or two from his chair. After a few minutes I got up, punched the fire, and put the poker in the corner of my side of the fireplace. Evidently, Cogdill seemed to see why I had done this. He had a sense of humor and said, "Come on, Gennett, let's settle the thing right now." In a few minutes we talked the misunderstanding over and settled the difficulty, and I went out and measured his logs without any trouble. After that I found him to be one of my closest and most loyal friends.

At the same time, the same sort of incident occurred in regard to the

lumber we were buying. Nat had sent a lumber inspector to take up a pile of lumber ten or twelve miles above Madison. Before the inspector finished the job, this mill man told him to "get off my lumber pile and get the hell out of here!" I went out the next morning to see what could be done and found him very sore and also found him carrying a shotgun on his shoulder.

After I had talked for a while, I told him that I would be glad to measure his lumber but would not do so while he was carrying the shotgun. I told him he could stand the shotgun over against a tree about a hundred yards away, and if he did not like the way I measured the lumber it would be all right; we would stop and let the matter go. After I had started measuring three or four boards, he stopped me. The board that I had in my hand showed six inches wide at one end but bark took over one inch, and I called it back one foot. When he objected, I showed him the book of rules that plainly stated that all bark and wane should be measured off, and that was why I took off one foot. I explained that I could have put my rule down at the other end of the board, but that was not necessary as long as the amount of wane could be estimated. He grumbled a little but allowed me to go on. The next board we came to was wedge-shaped, wide at the lower end—probably ten or twelve inches—but not more than four or five inches wide at the other end. Again I pulled out the rules, which showed that boards of this character must be measured one third from the narrow end. I had measured this board in the middle but had called off one inch, because if I had actually measured it at the place the rules called for, it would have been about that width. When I showed him it was justified under the rules, he had nothing further to say. I took up the rule and measured 25,000 or 30,000 feet of lumber without any further complaint from him. Nor did we ever have any trouble thereafter in buying lumber from him. It was merely a case of ignorance on his part, and when I explained that what we were doing was only fair and right, we never had any difficulty.

In some of these incidents, it was necessary to deal with the mountain people by explaining everything to them with the utmost care and patience. I do not mention these incidents for the purpose of extolling my own part in them, because I have always been a very timid and highly nervous individual. I have become much more so as I have grown older, but back in those days I was fairly controlled and more resolute in my manner than I

have ever succeeded in being since, partly on account of the fact that it was necessity that was driving me. In most of these incidents I was sent to pour oil on the troubled waters, for usually I was more tolerant and more diplomatic than Nat, though time has taught him to be less high-tempered and more long-suffering.

All through the summer of 1903 our spirits were still elated because of our success in putting the logs into the river and running them down to the mill. However, at the beginning of fall we began to be doubtful on account of the failure of the rains to bring floods. The logs were scattered all up and down the river and were beginning to be damaged. We had begun to doubt whether the logs would ever get through the rough and rocky stream in which we had to float them. Though we still were opening new camps, we started to doubt the feasibility of our scheme.

In the fall of 1903 we also encountered a depression in the lumber business. This sent me to New York and Boston in an effort to straighten out certain matters concerning some of our carloads of lumber that had been rejected. This drought continued throughout the whole winter of 1903–4. None of the floods were high enough except to fling the logs from the center of the stream into the shore and behind rocks, drifts, and shoals.

SEVEN

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Depression, 1904

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All through the spring of 1904 I organized crews of men with pike poles and peaveys to go along the river and roll the logs from behind these rocks and shoals back into the current so that when the floods came they would float out. This occurred best during what we called "head rise." That is to say, the main body of the flood was on the head of the river so that the front of the flood was practically its highest point, and when it got down to the boom the logs were brought with it. This was arduous work and not very satisfying, because frequently the next little flood would drive the logs once more behind the obstructions, undoing all the work that we had accomplished.

I went farther on up the river and established another camp at John Teague Gap on the West Fork of the Chattooga River, known as Three Forks because at this point the three streams of Mill Creek, Overflow Creek, and Holcomb Creek joined together.[1] I remember my first introduction to Three Forks. I arrived on horseback one cold November night just at dusk at the home of old Andrew Billingsly. The Billingsly clan had been a pretty large one but had been accused of killing a revenue officer named Regle (at a gap afterwards named for him a few miles above Pine Mountain), and most of the boys had gone west. In fact, in after-years I obtained deeds from them to parts of small tracts of land that they had left behind. One was from Los Angeles and two were from Billings, Montana.

On the Andrew Billingsly place were some of the marked trees that we

had purchased. I went to see Mr. Billingsly that evening to see about getting these logs to the river, and put in the river. I found him to be very difficult, as he said nobody was going to take those marked trees off of his land. They had been bought from him twenty-five years before, and he thought they had long since been abandoned. I tried to maintain my composure, though we had a rather bad squabble about the trees. Finally, I told him that I wanted to do what was right and if he wanted to go over to Clayton and consult his own lawyer, we would take the lawyer's word as to whether we had the right to get the timber out. Besides that, we would pay the expense of the lawyer's consultation. Mr. Billingsly very agitatedly told me that his old shotgun was as good a lawyer as he wanted, and nobody was going to take the trees off of his land.

It had been my hope to spend the night with Mr. Billingsly, but I saw that I was not welcome and rode on up the mountain until it was dark and bitter cold. Finally, I saw a crack of light in a shanty two or three hundred yards from the road. I went over there and found a family who took me in and gave me food and shelter. I boarded off and on with these people during my experiences in the mountains at Three Forks. I found that in a few weeks Mr. Billingsly had softened completely, and I employed him to cut and log his own marked trees and put them in the West Fork. It was by these means of patience and clear explanation that I always found my dealings with the mountain people satisfactory.

About that time I organized another camp in the mountains on the East Fork of the Chattooga River on what was known as the Roberts land. The timber on that land had been bought some twenty years before by the Fort Wayne owners, who sold it to us. It was while we had this camp at the mouth of East Fork that I came into contact with two of the most unique characters who ever lived in this part of the country. These were two English brothers named Grimshawe who had immigrated to America many, many years before and settled in the wildest parts of the mountains of North Carolina. They married locally and became in every respect full mountaineers. But they retained about them something of the old culture and characteristics of English breeding. It was while I was at this place that I struck the trail of the Carolina-Georgia boundary line and followed it out to the corner of the three states of North and South Carolina and Georgia.

The corner was named Ellicott's Rock after the original surveyor, and it stands on a little island in the Chattooga River a few miles below Cashiers valley.

Having established eight camps up and down the river, I finished my last camp in the John Teague Gap a few miles above Pine Mountain in Georgia. These camps put a large number of logs into the river between June 1903 and June 1904. Our spirits were high, as we had good luck in catching these logs in our boom and getting them sawed.

In August 1904 we had our next big run of logs. This type of flood was not expected, and we were not prepared to take care of all the logs that came. The boom was built to include about forty or fifty feet in the bed of the stream. No more logs could be held until the flood had risen to a height of six or eight feet, when it covered the terrace above the low-water mark at the water's edge. We had expected that the river would rise rapidly so as to take in this additional log space before many of the logs would come. Unfortunately, the main body of the logs came with the flood, and long before the terrace was covered deep enough by water to float the logs, the room that the boom included in the bed of the stream was filled.

Nat had been enthusiastic about catching the logs, because the flood was gentle and apparently easily handled. When a sudden, huge volume of logs began to arrive and we had no place to store them, he and I both became greatly excited and did not know what to do. We were afraid to hold the logs in the middle of the river behind the sheer boom, because the whole boom might be torn out, and we would lose everything we had caught. So we opened the sheer boom and let the logs float on down the river. For about an hour and a half the logs kept coming, and we had to sit on the bank and watch ten thousand dollars float off downstream. We had a large number of visitors at the camp, and they were equally excited. The river rose slowly, and the logs floated on by. In that hour and a half we lost probably 1,500 or 2,000 logs. We felt that the end of our entire scheme was in sight as we saw the fruits of our arduous labors disappear around the bend of the river. But after the month of August we had no floods, and we got no more logs down the river. The country seemed to dry up. The logs in the river were getting old and rotten. It was during this period that our hopes and expectations fell to their lowest depths.

On Christmas Eve, 1904, I remember reaching camp in John Teague Gap around dark as snow began to fall after an all-day ride on horseback. Never in my life have I felt so thoroughly neglected, lonely, and downcast. I rode into camp to find that all the men except three were gone. The woman cook had returned to her home for Christmas. Our camp consisted of only a log cabin and a big, walled tent. It looked lonely in the midst of the snow and was several miles from the nearest habitation. The cabin was lighted only by a small yellow lamp without any globe that smoked terribly. The only cheerful spot was a huge fire that helped to light up the interior and that had been built in the log chimney, which was smeared inside with mud. We ate in the cabin and used it as a sitting room but slept in the tent. Never have I felt such icy blasts as came down through the tent walls on that Christmas night.

After our meager supper of ham and eggs and strong, cheap coffee, I decided to play a game of setback with the other men, as there were four of us. Presently, an unexpected visitor came in bringing a jug of corn liquor, so the game was played for "drink and smell." This game probably few civilized people recognize. Its object was to give the winner a drink and the losers a smell. It so happened that luck was with me, and I won eighteen straight games, after which the proceedings no longer interested me. The men carried me off to bed in the tent, and I woke up the next day with a heavy head as well as a heavy heart, with six inches of snow on the ground and sixty miles of heavy riding between me and civilization at Fort Madison. This was the only time I remember having gotten plastered deliberately. I spent a very eventful night. Those who have not experienced it cannot realize the difficulties and tribulations that can fall upon a city-bred person under the circumstances I have detailed and that could not be lightened even by good liquor, much less the white corn lightning that we consumed, mixed with a little water and sugar.

EIGHT

Visions of Timber Deals, 1905

When I was living in Tallulah Falls, Georgia, and putting logs into the lower end of Chattooga River back in 1905, there lived just below Tallulah Falls a Swiss Jew. He was of a fine education, musical, artistic, and he knew all the cultural arts of living, besides being a practical and enterprising businessman. I recall him on account of the fact that he gave me a piece of advice one time that I thought was exceedingly wise. At that time he was engaged in trying to raise silkworms. I do not think he ever got far with the idea, because of the mountaineers with whom he had to deal. He was trying to educate the women to use their leisure time to grow mulberry trees and raise silkworms. The only result I ever heard of was that he sent Mrs. Theodore Roosevelt a dress made from his own silk, raised here in America. He said to me one time, "Gennett, if you want to be successful in life, you got to have 'wision.'" He still used the German "w"; otherwise, his English was perfect. That advice sank very deeply into my consciousness. Yet as I look back, I see more visions from the rear than I ever saw from the front.

However, I remember one vision that I converted very successfully into practical results. It was suggested to me by Mr. Rexford, under the follow-

ing circumstances. I was engaged in trying to buy a piece of timberland in Oconee County, South Carolina. At that time, only a very few trees on a given area were merchantable. The gum, pine, hickory, and similar trees were not salable at any price. Only the best of the white oak, red mountain oak, and poplar could be sold, and that at a very low price. When we bought a tract of land, if we paid two dollars an acre for it, it was hard sledding to get our money back by manufacturing the timber into lumber. I had offered two dollars an acre for this piece of land, and Rexford followed on my heels and offered $2.50 an acre for it and bought it right out from under me. I met him at Mr. Alf Whitmire's, where he and I were both boarding just below Pine Mountain, a halfway stop between Walhalla, South Carolina, and Highlands, North Carolina.[1]

I said, "Mr. Rexford, how in the world can you pay $2.50 an acre for that land, when there is not enough timber on it to repay you your money if you saw it into lumber? You must be mighty smart to be able to do that, and a very wise operator."

He said, "Gennett, are you in the sawmill business?"

"Yes," I replied.

"Have you made any money on it?"

"A little," I replied.

"You must be a smarter man than I am, because I lost thirty thousand dollars trying to sawmill around Bristol, Tennessee, and I have never tried it since. But," he said, "I can buy this mountain land aggregated into tracts of from ten to thirty thousand acres, and always find a speculative purchaser who will take it off my hands at a profit." I remember that I did not sleep any that night, because this suggestion of Mr. Rexford's had gone too deep into my consciousness.[2]

I came home by way of Seneca, South Carolina, where Clarence D. Ellison was operating the hotel at which I stopped. I told him that I was going to get an option on ten thousand acres of land in Rabun County, and he said, "If you get it, I can sell it for you." So we entered into a contract whereby I was to get an option for six months on the land, and he was to sell it. We were to divide the profits. About a month before the option expired, Rexford appeared in Rabun County and began to purchase outright the lands that I held under option. Ellison had failed to sell the land, and I

realized that if I wanted to hold it for my speculation, I would have to buy it outright.

I had made a good friend out of the president of the old Toccoa National Bank, Mr. Hagrett. In addition to his office as banker, Hagrett ran the city hardware store and was president of the textile mills. He had watched my efforts in Madison and seemed to approve of my judgment and energy in trying to make that difficult job go. So when I approached him for a loan of thirty thousand dollars, he did not make any objections and agreed to let me have it at once.

The men from whom these options had been taken were mountaineers. They knew nothing of checks, and each demanded cash for his land. I had in the meantime been surveying these lands, examining the titles, and drawing the deeds. I made arrangements for each one of the owners to be present at Alf Whitmire's on a certain day. Bales Nicholson, the local notary public, was to meet me at that place also.

I went to Toccoa, loaded my valise with thirty thousand dollars in cash, and drove through the country to Alf Whitmire's, where I met my landowners. I delivered the money and received their deeds. I would say in passing that these purchases were economically sound for the parties from whom I got the land. Most of them took the money down to the valley and bought smaller tracts of better land on which they could raise greater quantities of merchantable crops than they could raise on their rough mountain farms. But there were two or three instances in which the money did them no good.

I bought a tract of land from two old ladies who lived with their father on a farm in the upper part of South Carolina. When I went to call on them, they were out doing their spring plowing, one with pants on and the other with a knee dress and white woolen stockings. Both of them wore coarse brogan shoes. I got there about seven o'clock in the evening, just when they were quitting their corn planting. They dropped everything and in a few minutes had killed a chicken and served me a real supper of fried chicken, gravy, and hot biscuits. I paid them sixteen hundred dollars for their land, which was a large sum of money to them. They put it with the balance of their savings under the hearth in the living room. Just a few days afterward the house caught fire and burned to the ground, carrying off in smoke the

savings of their lifetime as well as the value of the farm. I certainly felt very much hurt when I heard this news, because these women living alone with their father and working so desperately to make themselves secure in their old age had, by this turn of fate, lost everything.

In another case, an old widow had received $1,000. One of her neighbors, a rascally old fellow named Jackie McCoy, coveted the money and inveigled the widow into matrimony. The son-in-law, very much outraged at this turn of affairs, took his single-barreled shotgun, laid it against the rail fence, and shot old Jackie McCoy's arm off. The son-in-law was arrested, tried, and convicted and spent several years in the penitentiary. So it appears that these economic changes brought both good and bad effects.

Meanwhile, my options on the Rabun County land had expired. I went over to Seneca to see Ellison and told him. Having put my money into the land, I would not be willing to pay one half of the profits to effect its sale, but I would give a commission of twenty-five cents per acre. We made a new written contract to that effect, and I received back and tore up Ellison's copy of the contract for half the profits.

It turned out that Ellison's customer was a timber broker by the name of Johnson. He was a very unscrupulous rascal but skilled and efficient in the sale of land. His first advent into this country was at the request of the Benedict-Love Company of Nashville, which sent him over into Pickens County, South Carolina, to purchase some of the old Haygood and McAden lands. Haygood was, in early days, a very wealthy man who loved mountaineering and had acquired large tracts of land in both North and South Carolina. Johnson had taken an option in Ellison's name for fourteen thousand acres of the Haygood land and thereafter sold it to the Benedict-Love Company at the very considerable profit of three hundred thousand dollars. However, Johnson had stirred up a hornet by swindling an old fellow who lived in Greenville, South Carolina, who had been one of the original sourdoughs in the gold rush in Alaska. I saw his back, which from his neck to his knees was a solid scar where he had carried his pack across Chilkoot Pass in the first days of the gold rush.[3] He was a reckless and revengeful fellow, and when he got after Johnson there was a very amusing race.

Johnson had a fine team of horses and a light buggy. He started from Greenville and dashed through the country at breakneck speed, passing by

Clemson College and heading for Highlands, North Carolina, then around by Clayton, and back through Seneca to Greenville. The old fellow was hard on his trail, riding on horseback. I remember being shown the footlog twenty-five or thirty feet above the Keowee River that he had made his horse cross to cut off a few miles. He did not succeed in catching Johnson, who had telegraphed his wife to load all of his household goods into a boxcar and buy him a ticket for parts unknown, which we subsequently found out to be Washington, D.C. For many years none of his acquaintances knew whither he had fled. He went out between the suns, and nothing further was heard of him for several years.

Johnson had interested Mr. R. G. Wood, who was a steel magnate with a plant located at Conshocken, Pennsylvania, that was a part of the Bethlehem Steel Company. Mr. Wood had a wild son who had inherited $40,000 or $50,000. Wood was trying to get him out of Philadelphia and into some kind of work that would interest him and had picked out the lumber business as being adventurous and worthwhile. Young Allen Wood, however, spent very little time on the timber after it was bought. I remember he asked me why we did not enlarge our plant and go on at a greater pace. When I answered him that we were little fish and we had to swim close to shore, he repeated my remarks to Mr. Wood, who was very much amused.

In the meantime, Johnson had made a contract with Wood to furnish him with 30,000 acres of land at eight dollars per acre. He turned this contract over to me, with the exception that the price was three dollars an acre. This land was to be furnished and accepted within a limited time. I got up 20,000 acres, 10,000 acres in addition to the original 10,000 that I had bought. I found myself in difficulties about getting up the remaining 10,000 acres, and turned over this land to Ellison. Fortunately for me, Mr. Wood got cold feet and limited his purchase to the 20,000 acres that I had already gotten at five dollars an acre. This left out the 10,000 acres that Ellison had gotten for Johnson and out of which he expected to make his commission as Johnson had promised him. But owing to the fact that Wood refused to take this, he was left entirely out in the cold. Subsequently, he sold the 10,000 acres he had under option to Mr. John Lockrie, on which he made a profit of one dollar per acre—considerably more than the commission he would have gotten from me. My difficulty was that I had made a contract

for half the profits and had subsequently canceled it for a contract for twenty-five cents per acre. Then I had to show that this second contract was likewise canceled verbally. It was very difficult to show that, as the cancellation was by word of mouth, and both Johnson and Ellison denied the facts.

When I found out that Johnson was making $5.00 per acre on the land, I thought he, not I, ought to pay Ellison the commission. I finally agreed to take $3.75 and let him pay the commissions, which he verbally agreed to do. I did not have sense to extract a written contract from him. Afterward, when Ellison brought suit against me, Johnson repudiated the entire contract.

This lawsuit of Ellison's was one that chagrined me very deeply. Gennett Lumber Company had remained in South Carolina for more than a year after this transaction was complete, and Ellison had made no effort to bring suit against us. We removed from South Carolina to Clayton, Georgia, where we remained eighteen months, and from there to Macon County, North Carolina, where we remained for twelve years. In 1911, six years after the transaction had been completed, Ellison went to Gainesville, Georgia, where he employed Mr. Herbert H. Dean, a prominent and able attorney.[4]

Dean was to attach the land we had in Georgia and sue me for half the profits on the transaction, alleging that was the contract between us. Ellison got on the witness stand and swore that no other contract existed and that this was the entire contract between us. He insisted that he was entitled to half of the profit from this land sale, which amounted to about one dollar an acre. I did not produce the original contract, which I had destroyed when the second was made. When I got on the witness stand and produced the twenty-five-cents-per-acre contract, the judge continued to believe Ellison and did not believe that this contract also had been canceled. He gave judgment for twenty-five cents per acre on ten thousand acres of this land, even though the option had long since expired prior to the sale of the land.

It appeared that if we had remained in South Carolina for five years, the action would have been barred by the statute of limitations. Or if we had removed directly from South Carolina to North Carolina, the action would still have been barred by the same statute, the time we were in North

Carolina being added to the time we were in South Carolina. But the suit was brought by attachment in the state of Georgia. That state had a very peculiar statute of limitations, which stated that when any cause of action arises in the state of Georgia, the statute of limitations shall not begin to run until five years after the date of the transaction. By moving into Georgia we laid ourselves liable to the contract for commission, and having moved from Georgia before the expiration of the five years, we were liable for the debt. This was a very peculiar turn of events. The situation that arose in this case put us in a rather awkward predicament. The suit was brought for half the profit, which they did not expect to get. To evade the half-profit contract, I had to display the twenty-five-cents-per-acre written contract that bound us, and I then had to set aside the twenty-five-cents-per-acre contract by verbal testimony. The judge believed Ellison and did not believe me; therefore, I lost my case. This was the beginning of our purchases of timberlands.

In addition to this tract of 20,000 acres and the old mills and the logs in the river (for which we received a check for $112,500), we purchased 13,000 acres on the Tallulah River; 12,000 acres on Rabun Bald in the Second District of Rabun County; 32,000 acres in Fannin County, Georgia; and 13,000 acres in Graham County, North Carolina. There were numerous smaller tracts, ranging from one to three thousand acres, upon which we made a fair profit. That made upward of 90,000 acres that later we sold to the U.S. government for forest reserves,[5] all of which I learned from my "wision" that I had gotten from Rexford at Alf Whitmire's Pine Mountain boarding house. In addition to the lands purchased and sold, we bought numerous small and large tracts of land for the purpose of operating small sawmills, which I describe later.

However, there were two trades that we made at that early date when we were anxious to get ahead, when we were much less scrupulous than we are now. I never have felt satisfied in my mind that these trades were moral, although they both were absolutely legal. I had been purchasing numerous lots of land from one Dr. K. M. Scott who lived in Atlanta and whose father had been comptroller of the state of Georgia in 1874. During his term of office, the legislature of Georgia had passed an act for the purpose of collecting taxes and putting lands that had been abandoned on the tax books.

In the exercise of his office, Dr. Scott's father purchased a vast number of these lots for the cost of taxes only and willed them to his son. Dr. Scott had his lands examined by a competent timber cruiser, by a geologist for minerals, and by an attorney for questions of title. He embodied all of this information in a little memorandum book, which he kept in his private safe at his office in Atlanta. On my previous visits to see him the conversation would be about as follows:

"Doctor, I see that you own a certain lot in Rabun County." As a matter of fact, he did not own it but merely had a tax title, and most were not legally good. Yet by nobody else being in sight to claim it, the ownership of this tax title would give a good springboard from which the remainder of the title could be acquired. Then I would say, "What would you take for that?" The doctor would name a very reasonable price, from fifty cents to seventy-five cents an acre, and after some dickering I would usually come out with a deed to the lot.

On this particular day I had found out that Dr. Scott's father not only had the tax title but subsequently had bought the original grant from the grantee to lot 93 in the Third District of Rabun County, and the title was absolutely good. Therefore, I approached Dr. Scott rather cautiously and said, "Dr. Scott, you own lot 93 in the Third District of Rabun County. What will you take for it?" He went to his safe and took out the book. Dr. Scott examined the notes on lot 93 and saw that it was not a mineral lot and had only a moderate amount of timber, so he came back to me and said, "Well, I will take $300."

I was astounded at this. I knew if he had thought he owned a good title to the lot, the price would have been much higher. I was very cautious not to misrepresent or do anything that would excite his suspicions, and yet I wanted the lot very badly. So I said, "Doctor, if you will take $275 and give me the deed right away, I will give it to you."

"All right, sit down and write off the deed." He had a typewriter, so I wrote the deed, gave him my check, and had the notary public attest the deed. I carried it back to Rabun County and in a month sold the 490-acre lot for $2,450.

There was one other transaction of a similar character. A man in Birmingham, Alabama, had sold the marked trees on 1,680 acres of land lying

in the forks of the river in the northwestern corner of South Carolina. This tract consisted of a very fine lot of poplar and white pine. The timber had been sold some twenty years before. Under the laws of South Carolina it should have been removed within a reasonable time, and it was doubtful as to whether or not twenty years was a reasonable time. The law also provided that if the owner admitted that the title was still good, then, like a note that has run out of date but on which the holder had accepted partial payment, the note would be renewed. I went to Birmingham to see this man, who also was a big coal owner, and told him of the purchase of the timber. I asked him if he had any objection to my cutting the timber. He said not at all, to go ahead. I said, "Would you write me a letter to that effect?" He dictated a letter authorizing me to cut the timber, which of course immediately renewed the title.

When I returned to South Carolina I found that Mr. C. H. Rexford, who was accumulating what is now known as the O'Connor lands, was engaged in cruising the tract of timber. One of his employees told me to say nothing about my Birmingham title, and he would see that Rexford would give me one thousand dollars for my title as soon as he found the timber all right, so I remained quiescent. Meanwhile, Rexford went down to Birmingham and bought the land from the same man who had authorized me to cut it, without excluding the timber from his deed. When he came back he claimed to own the tract of land and would give me nothing. He insisted that more than a reasonable amount of time had elapsed since its purchase in title by my predecessors. I was very indignant at being ignored, so I told Rexford that I would start cutting the timber and would put a mill there to saw it out. Of course, they did not want this done as it would very materially affect the appearance and character of their large tract, so they threatened to enjoin me. We had quite a disturbance in regard to that matter. I was resolute in my intentions to cut the timber, at the risk of a lawsuit.

I met Rexford and his attorney at Walhalla, South Carolina. I was very angry at being hoodwinked out of this tract of timber. I told Rexford how his agent had inveigled me into quiescence and that I had offered to sell it for one thousand dollars, but since then the price had increased to fifteen hundred dollars. Furthermore, I said that the five hundred dollars was a penalty for the runaround, and I was going to start cutting the timber the

next Monday morning. It was Saturday evening. We argued for nearly half a day, and I told him he could go ahead and enjoin me so that no damage would be done to his timber, but that I was going to start cutting it Monday morning. This of course was the very thing he did not want to have done, because his tract of timber would be considerably marred by having 1,680 acres of the best of it cut out of the middle.

We were at the Walhalla Hotel, and I went down to the office and began playing whist. At twelve o'clock that night I had just finished my game, and Mr. Rexford and his attorney came down into the office with the deed in one hand and a check for fifteen hundred dollars in the other. I always prided myself on this deal, because I bluffed them into settling with me. However, I have always felt a certain amount of qualms of conscience at getting the title renewed, because I am quite sure that the real owner who renewed the title had no idea of the limitation the law placed on the title to the land.

NINE

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Episodes in Madison, South Carolina

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The sale of our mill at Madison, South Carolina, along with the twenty thousand acres of land to Mr. R. G. Wood that occurred in May of the year 1905, concluded the second phase of my life. I think it might be wise at this place to pause for an instant and give a few anecdotes of the life that we led at Madison for three years.

We had plunged recklessly and ignorantly into backwoods and lawless country and had attempted a business that was risky and of which we were absolutely ignorant. When we finally realized the condition that surrounded us, Nat and I determined to make every effort to extricate ourselves and our money from this trouble. Neither Ransome nor Kirkpatrick had the incentive that we felt, because we practically lost our entire patrimony.

I will say that Mother's money was never jeopardized. We had put more than seventy thousand dollars into this enterprise, and by the end of the first year it was apparent that a large part of it would never return, unless we used extraordinary efforts to make it come back. So my brother and I determined to exercise willpower and restraint in every way. We gave up all thought of comfort, luxury, and the amenities of social life. We donned our fighting uniforms, and believe me, we fought both men and elements for three years. Never since that time have I been driven by such necessity. It was a rare day that I did not spend on my old gray horse and a rare night

that I did not spend on some mountain in a cabin where one room housed an entire family along with cookpots, oven, hooks, and pokers, for all of them cooked on the open fire. I do not think that there was a stove within sixty miles up and down the Chattooga River.

In the course of these trips, I have been out in some terrific summer storms. I remember one in particular, where the lightning struck three times within one hundred yards of where I rode my horse, and the rain fell in such torrents that the water overflowed the low quarter-shoes that I was wearing. My saddle pockets containing extra socks and a shirt were completely flooded, and I determined to go back to Madison, which was only eight or ten miles, instead of pursuing my trip to the head of the river.

I had crossed a sunken road a few moments before the storm burst and had not remembered the depth of the road. On the upper side of the road, two small branches barely two feet wide came together and flowed across the road through a gulch, where it had been dug out to a depth of five or six feet. When I reached this gulch I rode my horse into the stream, although I noticed it was flowing with a powerful current. The horse had barely taken two steps before he was swimming. The swift current dragged us downstream for nearly forty yards before the horse could swim across the fifteen or twenty feet and struggle out on the opposite side. We were barely a few feet above a rocky fall over which the streams dropped, which by then was a roaring torrent.

I rode on a few hundred yards and came to a broad lake, which the rainfall had made within a few minutes of what was otherwise a flat bottom. Thinking it was only a few feet deep, I started to ride into it. The foreman of a road gang whose camp was nearby called for me to come back. After I waited several minutes I found that tassels of corn were beginning to show above the lake, indicating that its depth was at least ten or twelve feet. These streams fell as rapidly as the summer cloudburst caused them to rise. I got back to Madison by dark without further mishap.

To us, the people at Madison were a strange variety. They were farmers and of course very independent. Old Man Joe Reed Jones was a farmer who thought he knew everything, and, realizing our ignorance, he gave us constant advice as to how to run the sawmill business. Another whose name

I do not remember had been a foreman of a bridge gang on the Southern Railway. He was a brutal old fellow, but he had many interesting tales to tell. Among them, he said that the only way to handle a crew of Negroes on a bridge job was the way he handled them. That was, pick out the most impudent and meanest of the crew, and the first day call him up and knock him in the head with a hickory stick. Thereafter, he said, he would have no further trouble with his bridge crew. He told this in a most casual manner, as if it was a perfectly legitimate and proper thing to do.

I remember that he and Old Man Joe Reed Jones had a quarrel down at the depot, where Peg-leg Jim Jones was the depot master. The old foreman hauled off with his fist and caught Old Man Joe Reed Jones on the jaw and knocked him down. The old man got up hurriedly and without looking to right or to left made a beeline for his home on the hill, about a hundred yards from the depot. He got his shotgun off of the rack in his room and called, "Come over here, you blankety-blank, you! I want to kill you!" The old fellow said, "I've no business there." So the feud ended at that point.

In attempting to run this sawmill at Madison, we were handicapped by the fact that there was not an experienced man anywhere in the neighborhood. I had to go to Nashville or Chattanooga to find capable men to run the different machines. On one of my trips to Nashville, I brought back a great big stalwart colored man to run the edger. Part of my men in the mill were white and part were colored, and the fact that he was doing superior work over what the white men were doing gave him cause for insolence. He began to push the boards through the edger with more speed than the young white boy who tailed the edger could take care of.[1] The boards would run up on him and strike him, sometimes with considerable force, because these edgers carried the boards through rollers that drove them at high speed through the saws. After this Negro had been warned two or three times not to run the boards so fast, the white boy ran around the edger, apparently to attack him. But instead of doing the attacking, he was the "attackee," because the Negro gave him a terrific blow and knocked him flat on the floor. The mill was shut down immediately. Every white man on the job made a dash for the colored man, who went out the back end of the mill and came running up to the town of Madison, which was about a mile and a half away from the mill.

He met Nat on the road and told him what had occurred, and Nat knew there was trouble in the atmosphere. Sure enough, within a few minutes a dozen men came down the road with guns, calling for Nat to get out of the way so they could kill the Negro. But Nat took him by the arm and walked with him rapidly up to the depot. Just at that instant the midday train came in, and Nat gave him some money, pushed him on the train, and he escaped. Instead of being grateful for his escape, he later wrote an impudent and ugly letter saying that if he had known where his shotgun was he would have blasted out the whole damn crowd.

Another incident that occurred at this time and for a while had me very much alarmed was brought about as follows. There was an old man living some few miles from Madison who did his trading in the town. He brought into our lumberyard at Madison a load of buckeye that had been sawed on his land. We refused to accept it. This buckeye was piled down on our yard, and six months later when he came back there was one board missing. One day he met Nat in the store next to our office and accused him of stealing the board. He and Nat had quite a quarrel. Nat says he had determined to hit the old man as soon as he cursed him the first time, but the man was standing with a soda water bottle in one hand and his right hand in his hip pocket. Nat thought the old man had a pistol. As soon as the old fellow took his hand out of his pocket, held out the soda water bottle to Nat, and said he did not have to hit a boy with a bottle, Nat threw the bottle out the window and hit the fellow with a terrific blow that knocked him in a meat box. He was stuck there and could not get up for a minute or two. The fracas was stopped by the town marshal.

This old fellow had two or three wild and reckless sons, and Nat was afraid he had started a feud that might cause us trouble. At the time, I was at Tallulah Falls, opening some camps and having some logging done. Nat telegraphed, urging me to return and see if I could straighten out what promised to be an ugly feud. I got out my little pearl-handled pistol, which would have hardly blown a good, able-bodied country man down, greased it up with hen's grease, mounted my old gray horse, and started back twenty miles. When I had arrived within four or five miles, I saw one of this old man's sons—probably the worst one he had—riding toward me in a buckboard buggy. It took up most of the road, and I thought I was in for trouble.

I switched my hip pocket around to the front where the gun would be easy to reach and rode on at the side of the road, giving him plenty of room to get past me. When he got up to me he called out "Whoa" to his horse and stopped. He said, "Have you heard about the trouble at Madison?"

I said, "Yes. What about it?"

"Well, Nat knocked the hell out of Paw. Paw got put in jail, and I had to pay him out. He has been paying me out every Saturday night for being drunk, and now I had to pay him out. Ha! Ha! Ha! That little fellow sure can hit an awful blow."

I said, "That's right!" and rode on after a few more words with him, very much relieved to find that instead of a feud I had found a sense of humor.

The town of Madison contained only one person who had anything of culture. He was Paul Sullivan, the leading storekeeper whose ancestors had been noted politicians for several generations. Paul rather snooted us foreigners. We never got very well acquainted with him, although he frequently had visitors from Clemson College and other towns in the Carolinas.

I remember that our cook was very proud to be working for us and frequently bragged to her fellow servants about the food we had and how fine everything was. My mother overheard her in conversation with the neighbor's cook telling how different our food was, and the other cook asked, "What did your folks have for breakfast?" Her answer was "Prunes and 'simons, and everything."[2]

Another episode that occurred at this time that forever put me at outs with private detectives happened in this way. A man by the name of Spencer lived in town and operated a little planing mill, where he frequently dressed poplar lumber for us.[3] There was another planing mill in town operated by a man named Cleland who confined himself to dressing pine lumber. Spencer and Cleland had a falling out in regard to some lumber that Spencer was alleged to have sawed for Cleland. A few nights after the quarrel, Cleland's barn, which contained several hundred bushels of corn, was burned to the ground. He immediately accused Spencer of having set fire to it, and they had quite a squabble.

About ten days afterward there appeared in Madison an uncouth-looking fellow. He pretended to be a carpenter and did repair work for

several persons in town, among them Spencer. One night at about eleven o'clock, as Nat and I and our bookkeeper, Leon Miller, were sitting in our office, we heard two pistol shots on the hill above us. A man came dashing down in the dark and yelled, "There he goes!" and fired a third time. In the meantime there appeared a blaze in the neighborhood of Cleland's house, which was a couple hundred yards up the road in back of our office. Nat dashed to the house to get a gun while Miller and I rushed up the road to see if we could suppress the fire.

When we arrived we found that there were two fires. Cleland's house sat on the side of a hill, and the front part of the house rested on posts three or four feet in length, with the house being elevated that distance from the ground. At the corner of the house where the elevation was greatest there was a pile of shavings—probably a bushel—saturated with kerosene and making a fierce blaze. Opposite Cleland's house was a shanty in which he did blacksmithing. Against the door of this shanty was another pile of shavings, probably a bushel or more, also saturated with kerosene and blazing fiercely. This kind of fire is very easily put out, and we, with the assistance of other men who had arrived at the fire, soon had the fire extinguished by beating it out with our hats.

When Cleland came back, he said that he saw the man running from his house by the light of the blaze and fired at him, and it looked like Spencer. It appeared to me that this was a most desperate effort not to set fire to a house, because he could have gone back a few feet where the house touched the ground, where it would have been much easier to set it afire. Setting fire to a house in which people live is a hanging offense in South Carolina, a relic of the old Reconstruction days when the Negroes were running wild and it was necessary to awe them by excess punishment. If Spencer actually was guilty, he certainly was in a tight place.

A few moments afterward, I went down to the depot. The depot was the general gathering place for the people of the town on all occasions and, when it was necessary, to hold conferences or civic discussions. There I found fifteen or twenty men very much enraged against Spencer and bent on taking him out and hanging him. At this instant, Cleland came in with a hat that everyone recognized as belonging to Spencer, which Cleland claimed he had found under the clothesline that ran across the yard and

under which the man had run. We talked around a good deal, and all sorts of threats were made. It was finally decided that the railroad foreman, myself, Jim Jones, and the station agent were to go to Spencer's house and see if there was any mud on his shoes. That night the road was muddy on account of the heavy rains, and Spencer could not have made a trip without getting his shoes muddy.

We went over, knocked on the door, and went in. We found Spencer in bed with his wife, scared speechless. However, his wife was spunky. She said he had not been out of bed that night and that this was all a job. There was no use to accuse him of being guilty of this alleged crime. We went back and reported that there was no mud on Spencer's shoes and no evidence that he had been out that night. We thought that if Spencer ran away, it would be evidence of his guilt. If he stayed, he could be arrested and tried.

I returned home after a good deal of effort and went to bed. I was awakened at daybreak by Spencer, who said I seemed to be his only friend in town. He said that he would like for me to go out where the fire was and then to the planing mill to see if I could find any evidence in his favor. So I went out to where the fire had been, and I found that the shavings that were saturated with kerosene and placed under the house were pine shavings. I went to Spencer's mill and talked to his Negro night watchman. He said that this alleged carpenter had been at the mill a few nights before and was wearing a pair of overalls containing numerous pockets. We found a row of poplar shavings from Spencer's mill up to Cleland's house, where suddenly they converted to pine shavings. To my mind this was indisputable evidence of a conspiracy, and subsequently, when Spencer was brought to trial, it was so proven. The judge delivered a stinging rebuke to Cleland and this carpenter. The carpenter turned out to be a private detective from Atlanta whom Cleland had employed to investigate the fire at his barn. Evidently, Cleland had bribed him to put this crime on Spencer.

Spencer's wife was rendered so miserable around Madison that in a few months he removed his planing mill and his family to Cornelia, Georgia, where he was still living when I last heard from him. I have always prided myself on my detective work in discovering the pine shavings where there should have been poplar shavings and finding out that the hat that was

found under Cleland's clothesline was Spencer's Sunday hat. Evidently, this hat was hanging on a nail on the wall. The detective, when working at Spencer's house, had gotten the new hat, which would not be missed, and had dropped it at this place to be found so as to fasten the crime on this innocent man.

I do not want to leave the impression, however, that our life in Madison was wholly unpleasant or that the people were all barbarous and disagreeable. As a matter of fact, having once severed our ties with our former lives, we enjoyed many humorous and delightful episodes. One of the first incidents that took place that gave us a great deal of fun was as follows. Once Mr. Elliot, our foreman building the boom, had working for him a notorious moonshiner who lived ten or twelve miles up the river. This fellow was quite a wag, and he constantly made moonshine liquor. He was standing beside Mr. Elliot when the sheriff of the county came upon the scene and inquired of Mr. Elliot if he knew where a fellow named Tom was. Tom was on the spot, but Mr. Elliot turned to him and said, "John, go over yonder to Mr. Stevens' and ask if he knows where Tom is." "John" lost no time in carrying out the errand. He sent word back to Mr. Elliot: "Please tell Mr. Elliot I done stepped aside." He did not reappear for several weeks. We laughed over this incident for several days. Another time, Nat had a cuss fight with one of the men. This man waited for my return and then told me with great excitement about how they had the fuss and that "Nat had pernounced him" and "he had pernounced Nat."

I got frequent pleasure from my cruising trips into the mountains. Some of the people I stayed with up in the mountains were humorous characters also. Among them was an old man with a long white beard who called himself the "Blacksmith of Bachelor's Retreat." He had a tall, rawboned wife, always busy about the place and with her horde of children. I never went there without his saying, "Gennett, are you married yet?"

I would say, "No."

"Why don't you get married?"

"I can't get a girl" was my reply.

"There's nothing to that. All you have to do is ask one. Look at me. My first wife was the finest woman you ever saw, but my second wife gave me hell. This third wife is the finest there ever was; she can split rails like a

man." That was his highest commendation. This old fellow used to tell me that in his young days he could outrun, outfight, outjump, and outdrink any man in the country. His home was opposite what was known as the "Bull Sluice," where now is located one of the power dams of the Georgia Railway and Power Company, just below the mouth of the Tallulah River.[4]

TEN

Romance of Rabun County

This whole country on the south side of the Blue Ridge and even as far up as Franklin, North Carolina, was filled with historic and traditional romance.[1] Seneca, South Carolina, was the seat of one of the earlier Cherokee villages that was raided without notice, and the entire village was wiped out by British and Colonial soldiers in 1758. The remaining Indians then withdrew from the south side of the Blue Ridge, and their southernmost villages were located at a place now called Otto, in North Carolina.

Tradition said that the beautiful Nacoochee Valley was named for an Indian princess who lived about the time that de Soto made his march through this part of Georgia and that the mountain, Yonah, was named for her lover, a young Indian prince. At Tallulah Falls, which word signifies "Terrible," the Indians had a tradition that an evil spirit dwelled in the dark shadows of the gorge below the falls. The Indian village of Tallulah was located just above the falls at the first wide place where bottomlands for farming could be obtained. However, this village was also withdrawn about the year 1758, at which time Colonel Montgomery came through with two regiments of British regulars. He was accompanied by numerous South Carolina irregular troops, among whom were Generals Marion, Pickens, Sumter, and others.

It is said that most of our southern Revolutionary War generals first

learned the art of war in this expedition of Colonel Montgomery's in 1759. At this time, he was sent from Charleston to secure the fort known as Old Fort Loudon, the previous British commander having been Lord Loudon, which the British had built at the mouth of Hiawassee River. The fort was built for the purpose of protecting the western settlements and was so far advanced into the Indian country that it could not withstand their attacks. In the year 1759, the fort was captured by the Cherokees, and the soldiers who defended it were granted the privilege of returning to Charleston. But they were required to not destroy anything within the fort. When the Indians entered the fort, they discovered that two barrels of gunpowder that had been buried had been dug up and carried off by the soldiers. They considered this a breach of faith. The inmates of the fort had gotten less than a day's march away when they were attacked by the Indians, and the entire party of nearly two hundred men, women, and children were massacred. The British agent at this fort, Captain Stewart, was saved by the intercession of the Indian chief known as Attacullaculla, the "Little Carpenter."

The Cherokee Indians had always been friendly with the British and sent a party of fifty or sixty braves to assist General Braddock in his attack on Fort Duquesne. On returning to their homes in North Carolina, these Indians stole a number of horses from the Virginia settlers. They were followed, and several of them were killed by the Virginians. This brought on the original Cherokee War, and during the Revolutionary War the Cherokees through Stewart's efforts sided with the British.

Located in Pickens County, South Carolina, on the Keowee River was another British fort, Old Fort Prince George, that was named after King George III, then Prince of Wales. It is stated that for many years this fort protected the northern settlements of South Carolina from the inroads of the Indians. A dramatic incident occurred at this fort around the year 1760, when the Cherokees were raging over the treachery of the Virginia settlers in attacking their war party and an attack on the women of the village when the warriors were away hunting. Aconostata, one of the leading Indian chiefs, approached the fort early one morning and from the opposite side of the river demanded a parley. The commander of the fort and his aide went down to the water's edge to hold a parley with the Indian chief.

In the meantime, Aconostata stationed his concealed war party along the river's edge. A few minutes after the conversation began he waved a bridle, and instantly a heavy fire was poured on the two white men engaged in the talk. This was, of course, rank treachery and murder. The acts that followed were equally as reprehensible.

The Cherokees had sent twenty-three of their chief men as hostages for keeping the peace, and these men were incarcerated in the dungeons of the fort. The defenders of the fort were so enraged at the treachery of Aconostata that every one of these leading men was taken out of the dungeons and massacred in cold blood. This of course further inflamed the Indians and was probably the cause of the massacre at Old Fort Loudon.

In the meantime, Colonel Montgomery's attack had passed through what is now Walhalla, South Carolina, and along the trails that lead to Warwoman Creek in Rabun County and come up by way of Clayton, where the Indian village of Stekoa stood. Montgomery crossed the Rabun Gap and passed down through the head of the Tennessee Valley, where he was ambushed at the lower end of the valley. After a desperate fight he was compelled to retire back across the mountains and into South Carolina. A second expedition under Colonel Grant was also driven back.

In the spring of 1776, a young scientist from Philadelphia named William Bartram was in Fort George and started out alone to visit the Cherokee villages. He intended to examine the shrubs that were all along the way to what was called the Overhill Towns, located on the Tennessee River after it debouched from the Smoky Mountains. However, there was so much war talk in the atmosphere that when he reached the Nantahala River and met a column of Indian chiefs on their way to discuss a peace with the governor of South Carolina at Charleston, he was frightened and returned to Fort George. In his book Bartram describes what is known now as Mud Creek Falls, which lies against the eastern mountains in the lower end of the Tennessee Valley. He also states that as he rode down through the Tennessee Valley, the wild strawberries reddened his horse's legs up to the hocks. Bartram found the graveyard on the ridge that is located close to the village of Dillard, Georgia, where the Indian braves killed in the battle with Montgomery were buried. It is also stated that the high mountain known as Pickens' Nose was named for Colonel Andrew Pickens, who at that time

commanded a company of South Carolina colonials in the campaign. The colonel was noted for his huge Roman nose.

In the year 1761, Colonel James Grant (also of the British army) came with a regiment of Highlanders and two regiments of British regulars. He started on a punitive expedition against the Cherokee villages lying north of the Blue Ridge. Grant made his base at Fort George and came across by what is now known as Tamassee, South Carolina, up Warwoman Creek to Clayton, then across the Rabun Gap and down the Tennessee River. His army was ambushed within a few miles from where Colonel Montgomery had been attacked.

Once on a trip to Washington, D.C., I went to the Congressional Library and just by accident ran across a pamphlet, the name of which was *Philo Patrias* (two Greek and Latin words meaning "lover of country"). It was written by a Charleston newspaperman who had followed the expedition and who gave a very interesting description of the fight. It seems that the vanguard of the army consisted of a young captain named Andrew Morrison with twenty men on horses. These men went down a trail that crossed the Tennessee River to the left-hand side.[2] Just as the soldiers entered the water, the Indians fired on them from a canebrake that lined the riverbank. The captain was killed, and several men were wounded. The remainder fled back to the main body, which was being attacked heavily from all quarters. The rear guard of the army consisted of a number of mules that were carrying provisions, and it was guarded by the South Carolina volunteers. They were attacked heavily and, according to Colonel Grant's report, ran away ingloriously. This account was denied by the *Philo Patrias,* which said that the real fighting in the battle was done by the rear guard and that the victory finally was claimed by them. At any rate, Colonel Grant's army defeated the Indians and then pursued them for five miles to the Indian villages located at Otto. The mound is still standing where this village was located on the east side of the railway just south of Otto.

The Indians were driven from this village and fled through a gap over to Tessentee Creek, where other villages were located. Colonel Grant lost about ninety men who were killed and wounded in this conflict. The men killed were buried in the river to prevent their being scalped by the Indians. Colonel Grant then pursued his expedition down the river to what is now

Franklin, North Carolina, burning the Indians' corn, bean fields, and log houses and pursuing all the Indians in sight. Grant then returned to Fort Prince George and Charleston and then embarked for New York, which he reached in time to take part in the last campaign against Quebec under General Wolf.

The next large campaign against the Cherokees was during the first years of the Revolutionary War. In what is now known as the War for the French Broad River, the American army, under the leadership of General Griffith Rutherford, passed over Biltmore, located at the mouth of the Swannanoa River in North Carolina. The army went up Hominy Creek, across Balsam Gap, and then down Scott's Creek to Sylva, North Carolina, where they were attacked by the Indians at Webster (the old county seat of Jackson County, North Carolina). The Indians were defeated, and General Rutherford pursued his course up Savannah Creek and across to Franklin, where the Indian village of Nequassee was located. He divided his forces with those of Colonel Williamson, who was leading a detachment from South Carolina. But a few miles beyond the home of Miss Annie Slagle a fierce Indian conflict occurred, probably the most bitter fight that ever took place between the frontier soldiers and the Indians in western North Carolina.[3] These incidents and many others that I could mention made Rabun County, and Oconee County in South Carolina, of romance to me. I have always felt the peculiar quality and interesting character of the country.

Reverting to our narrative. The sale of our mill in Madison and the twenty thousand acres of land opened a new chapter in my life. The result was very thrilling to me. I had gone into the country three years previously with $70,000 and a complete ignorance of what I was undertaking. Now I was leaving the country with $125,000 after having passed through all the fears of bankruptcy and financial destruction. It is true that we continued to live at Madison for nearly a year after the sale was completed, but we had extended our operations into Rabun County and Macon County in North Carolina. Through Tom Ritchie of Rabun Gap, we bought numerous tracts of timber in these two counties.

Tom Ritchie was a horse trader and cattle buyer and was one of the most active men I ever saw in my life. Tom could ride farther and make more trades in a day's time than any man in the world. During the years

1905 and 1906, we must have operated ten or fifteen little sawmills on timber purchased by him.

It was at this time also that I bought and organized my first circular sawmill. I made an improvement on the old type of mandrel, extending it eight or ten feet beyond the driving pulley.[4] At the end of this mandrel I inserted a pulley, attached it to an edger, and also drove another shaft, to which was attached a trimmer. Now the circular sawmill lumber produced by us was always properly edged, trimmed, and the equal of lumber produced by any band mill in the country.[5]

ELEVEN

Recollections of Clayton, Georgia

Nat and I continued to live at Madison, South Carolina, for nearly a year after selling our timberlands and mill, completing the sale of the house in which we lived and the small yard of lumber that was located there. At that time we did most of our business in Rabun County and Macon County. We subsequently moved to Clayton and went to board at the old Clayton Hotel. It was a log house covered with lumber that was built in the early days of the county, probably as early as 1820.

Some of the Rabun County population had very good blood and good ancestors. Some of their ancestors were leading men of South Carolina, but most of them had become poverty-stricken, poorly educated, and more or less lawless. However, one I remember in particular was Martin V. Beck, whose ancestor had been Colonel Martin V. Beck, a prominent Revolutionary War soldier from South Carolina. Another was the Dover family, of which Dr. Dover was the leading exponent. He was an intelligent and educated man and a skillful doctor. Another family was the Cannon family, probably one of the most prominent in the county. Mr. Henry Cannon operated a store in the Long Creek District of South Carolina, and Mr. Rahl Cannon had one of Tallulah Falls's leading stores.[1] Still another family was that of Chief Justice Logan E. Bleckley, whose relatives constituted a large clan that were active in political and social affairs of the county. The old

chief justice was widely noted as a philosopher, and most of his written decisions contained numerous unique phrases and paragraphs. One I remember in particular. He was deciding a question as to what constituted *pedes possessione,* which in common language means "foot possession" or actual possession of a tract of land. The law stated that seven years of actual possession established a title good against all claims. The old fellow's decision was that *pedes possessione* was such possession as that the owner, appearing on the land and seeing the act of possession, would say, "Hello, who's here claiming my land?"

In my judgment, the doctrine of possession is entirely too narrow to perfect the titles in many cases. For example, I have known instances where a man got a tax title that was invalid, but he and his descendants paid the taxes on that land and were the sole claimants to that land for perhaps forty or fifty years. Suddenly, the real owner, whose ancestors had abandoned the land years before and had never paid a cent of taxes, appeared and claimed the land. They ousted the tax owner on account of the invalidity of his tax title and the fact that he had not taken *pedes possessione,* and said foot possession had been held to be complete if a man merely built a pig pen on the land. This appears to me to be entirely too artificial. Certainly, for the purpose of quieting titles, some kind of law ought long since to have been passed making the payment of taxes, if it was the sole payment and nobody else was paying taxes for a limited period of time, a perfecting of title.

In this connection, I had this situation in Graham County, North Carolina, where we were trying to get our titles perfected. We owned a certain tract of land on the head of Santeetlah Creek, which was wild and unpossessed in any way.[2] This tract of land had been granted in 1860, and since that time my predecessors in title regularly had paid the taxes and claimed the land but had never gone into actual possession. Suddenly, there appeared upon the scene a man from Madisonville, Tennessee. It appears that his great-grandfather had taken out what is called a "squatter's title." In other words, starting in 1836, when the Indians were being removed to the territory west of the Mississippi River,[3] the law provided that any person living on a tract of land was entitled to take out a grant for a hundred acres, the said area of land being square. It further provided that this person did

not have to take the grant out at the time he lived on the land but that he could go to the office of the entry taker, pay down twenty dollars, and get a receipt that entitled him to take out a grant at any time, even one hundred years later. This Madisonville man had found one of these receipts in his grandfather's old papers and went to see a lawyer at Madisonville who advised him that he was entitled to a grant. Therefore, he had taken out his grant at that time, which was four or five years earlier.

This grant merely stated that the land lay on the waters of Santeetlah Creek (a stream twenty miles long and its watershed covering an area of twenty-five thousand acres) beginning at a hemlock, running north to a hemlock and west to a chestnut oak, then south so many poles, and back to the beginning. It was absolutely impossible for anybody to tell from this description where the land was located, and yet the grant was perfectly good if he could locate this claim. He claimed that it began at a certain hemlock tree that had an identification mark and that his grandfather had put a fence and field on the land, though all marks of occupancy had long since disappeared.

I finally compromised this claim with him for six hundred dollars, although there was never any chance for me to know that this tract of land lay anywhere in the neighborhood of land owned or claimed by me. In other words, the laws of North Carolina were so arranged that the purchaser of a tract of land who did not immediately take possession of it was always in jeopardy of having some adverse claim, of which he had no knowledge, leap out and take the land away from him.

Returning to Rabun County. My brother and I lived in Clayton for eighteen months. In spite of the fact that we had many difficulties and many disappointments, as a whole our lives there were pleasant and very profitable. It was in Rabun County that we first became interested in lawsuits, because there occurred the first lawsuit in which the Gennett Lumber Company was involved. We have had many since, as has every lumberman. I do not think it is because we were more litigious than most people but because we were rather careless in the method in which we drew our contracts and the manner in which we carried them out. Because we were prosperous, we were fair targets for every scheming fellow who thought he might hold us up and take something away from us. We finally came to

feel that unless we could make money faster than it could be stolen away from us, we could never accumulate anything. Thereafter, we acted on this theory.

Our first lawsuit was with one Tom Mitchell, who afterward became sheriff of Rabun County. Tom had taken a contract from us whereby he agreed to log a certain boundary of timber. He had afterward subcontracted it to an old Baptist preacher who was very impecunious and thriftless, and Tom and I together sold the old man several yokes of cattle with which to do the work. The old fellow logged 42,000 feet of logs and left 35,000 feet in the woods. These I counted and required Tom Mitchell to deliver. Tom promised me repeatedly to deliver these logs but never did so, and the 42,000 feet were finally sawed up without the contract being completed.

Tom had been to my office about eight times and settled in full with our bookkeeper, Frank Dillard, and had drawn the money that he was entitled to draw at each settlement. Up to that time he had never made any claim whatever for additional money than what the contract price called for, and it never entered my mind that he had such a claim.

During one of Tom's absences, the old Baptist preacher came to me and said that he would have to turn the cattle back to us as he was unable to finish the contract and had no money to pay the balance due on the steers. But it being early in the spring, when crops had to be planted, he begged me to let him keep one yoke of steers with which to make a crop for his wife and family, otherwise they would be on starvation. I finally agreed to let him keep one yoke of steers. When the remaining steers were sold, they did not quite bring the sum that was due to Tom Mitchell and myself. This was done in the absence of Tom, and I thought he would fully cooperate with me in helping the old preacher, who was in hard circumstances. But when Tom returned he demanded the full amount of his debt, which made me carry the whole loss and also made me very indignant. I told him if he made me pay that money, I would make him pay for the 35,000 feet in the woods that he had failed to deliver. I sued him before a justice of the peace for the value of those 35,000 feet at one dollar per thousand feet, or thirty-five dollars.

The suit finally came to trial before Judge Pickett, who was a drunken

old incompetent and who immediately got drunker and drunker as the case progressed. He finally had to be carried home before the trial ended. In Georgia, a trial before a justice of the peace is conducted with a jury of five men. The jury selected in our case was totally unknown to me, but it subsequently turned out that two of the jurors were tenants of my opponent, and one was running for clerk of the court and expected Tom's political support. Tom got on the witness stand and swore that Nat had promised to pay him one dollar per thousand feet on the 42,000 feet of logs that had been delivered. This was more than the contract called for, and the jury gave Tom a verdict of forty-two dollars, when I had sued for thirty-five dollars. This was my first introduction to country trials and convinced me that the foreigner has very little chance before a local jury against a local man.

One episode occurred in the year 1907 that should be recounted before finishing with Clayton. I had purchased twelve thousand acres of land around Rabun Bald. Also, I bought approximately thirteen thousand acres on the Tallulah River above the famous Tallulah Falls. While we were living in Clayton around the year 1905, a man came there who had made some sort of arrangement with Mr. S. S. Prentiss, owner of forty thousand acres in the western part of Rabun County. He attempted to operate a sawmill but found it not profitable, and he became a speculator and promoter. His name was C. A. Rafter. Rafter started life as a railroad telegrapher in a place called Allegan, Michigan. He was a close-mouthed and reserved fellow. Nobody could find out anything about him for months after he arrived. I don't think he had much money, yet he lived lavishly, had a nice wife and two attractive children, and seemed to be well versed in the art of living comfortably and placidly among the rugged surroundings of Rabun County.

In the early part of 1907, Rafter made a trade with another speculator and promoter from the city of New York to sell him sixty thousand acres of Rabun County land at $7.50 per acre. It was his intention to include in this trade twenty thousand acres of our land that we had optioned to him at $5.00 per acre, so that the sale price amounted to $450,000. Of this sum the purchaser was raising $250,000 in cash and for the sale was offering to trade his equity in the Sam T. Jack Theater and the Richmond Hotel at Chicago. In addition to these two equities, he had a further equity in a farm in the northern neck of Virginia below Fredricksburg. This farm at one

time belonged to George Washington's grandmother. It consisted of more than one thousand acres, an old Virginia mansion, a beautiful little sailing yacht, and an oyster bed. These articles captured Rafter's imagination. He was willing to take all the equities and let me and Prentiss have the cash. The trade that Rafter made contemplated that the New Yorker was to return to New York and borrow $250,000 in cash from the Knickerbocker Trust Company.

In the meantime, Rafter and I went to Chicago for the purpose of investigating the value of the equities in the theater and the hotel and also for the purpose of drawing up a new and definite contract embodying the lands to be conveyed to the New York purchaser. We spent nearly two weeks thrashing and working out the details of the contract with his two lawyers. When the contract finally was completed, Rafter went with the New Yorker to New York to get the cash while I returned to my old home in Nashville.

I was filled with enthusiasm and pride over the wonderful trade that I helped to swing. As a matter of fact, I was so excited and blew my horn so loudly that the echoes rang from where the blue mist rolled around the Smokies on the east to where in the far west rolled the Father of Waters. Everybody knew that Gennett had just pulled off a big deal. One of my friends, L. F. Miller, who was dean of the Music Department of Ward's Seminary, invited two of the beautiful young teachers from the school, and I threw a real party at the old Maxwell House. We had a hot bird and a cold bottle to pep the party up and to make the proper surroundings for my big talk.

After the doings were all over, I got on the train and started for Atlanta. In the meantime, the Knickerbocker Trust Company had failed (helping precipitate the financial panic of 1907–8). When I arrived in Atlanta I found a telegram from Mr. Rafter that stated: "This man couldn't borrow $250,000 on the whole damn state of Georgia." So all of my hopes and expectations were confounded. But you may well believe that I let no knowledge of this fact seep back to my friends in Nashville who still believed me a young Napoleon of finance. This transaction occupied the whole of 1907 and was a fitting introduction to the desperate year of 1908.

This same land was the basis of another trade that Rafter and I engaged

in in the year 1911. Rafter got in touch with a firm from Cape Girardeau, Missouri, called the Himmelburger-Harrison Lumber Company. These people had become immensely rich by cutting the swamp timber along the Mississippi River, gum, cypress, and the other woods of that country. They were preparing to increase their timber holdings and incidentally came to see Rafter in Clayton. He entered into a contract with Mr. Himmelburger that he construed as being a sale. However, it was so ambiguous that there was grave danger Mr. Himmelburger would construe it as a mere option. Rafter was in mortal terror that a breath of doubt might enter into the minds of these people as to the desirability of the trade, and they would take advantage of the apparent option to throw the trade down. Therefore, he asked me to go with him to Cape Girardeau to see if he could not establish the contract as a definite trade. Rafter was selling the land as before, at $7.50 per acre, making $450,000 for the tract, of which I was getting $100,000 in cash. I was taking no chance of any kind on my part. We went to Cape Girardeau, where I thought that Rafter and I were very adroit and alert in convincing the Himmelburger-Harrison Company that the contract in effect was a sale.

They had as their attorney a very astute old lawyer, a former state senator. Rafter and I congratulated ourselves on the skill with which we had maneuvered the old attorney into a position where he was fearful that suit might be brought against his clients to force them to purchase the land and go on with the trade or pay damages for breach of contract unless they went ahead with it voluntarily. They accepted the ten thousand acres and paid Rafter his purchase price. But unfortunately for Rafter, he had the ten thousand acres under option from Morse Brothers Lumber Company of Rochester, New York, and the purchase price allowed him hardly any margin. The option had just about expired, so to protect himself and deliver the land that he had contracted to sell, Rafter was obliged to turn this land over to the Himmelburger-Harrison Lumber Company with a very small profit between his price and the price he had to pay.

It appeared that the astute old Missouri lawyer pulled a trick on us. We were confident of our titles, and when he inserted a clause that if 10 percent of the titles were defective the trade might be called off, it never entered our minds that we were putting a knife into the hands of our ad-

versary with which he could cut our throats. The Himmelburger-Harrison Company employed as their attorney at Clayton a young lawyer named Isaac Oaks from Lawrenceville, Georgia, to examine the titles. Mr. Oaks was a very fine land lawyer and well versed in all the technicalities that make land titles so fatal to most investors.

In the meantime, it appeared that Himmelburger-Harrison was involved in the building of a cement plant at Cape Girardeau. They expected construction of the plant would take only $300,000. About this time, they found out it would require at least a million dollars. The timber trade became very undesirable as it was a severe strain on their financial resources. Therefore, they instructed Mr. Isaac Oaks to find every possible defect in the titles. Mr. Oaks, straining every point, finally found 11 percent of the titles defective, so that this trade was called off. I think Mr. Rafter suffered a severe shock, because he was without any real financial resources, and the loss of this profit threw him terribly on his uppers.

It was about this time that Mr. Rafter and I undertook to sell some land to the United States government. We jointly optioned this land, and it lay in White County, Georgia. However, the trade didn't go through, and the options were not exercised by us. After I withdrew, Mr. Rafter went to White County, purchased the land, and gave notes for it. Subsequently, it appeared that he was financially unable to pay off the notes. The White County landowners presented their case to the federal postal authorities, and Rafter was in imminent danger of being charged with postal frauds.

At this time I received a threatening letter from Tom Bell, congressman for that district. He tried to involve me also in the transaction and hold me responsible for Rafter's misdeeds, if any. I finally convinced him that these transactions were done entirely without my consent and without my knowledge. I think Rafter raised the money eventually and squared himself with the White County people. Shortly afterward he returned to Allegan, Michigan, where he was burned to death in a fire that also destroyed his dwelling house. I always doubted as to whether his death was accidental, though if such were not the case the news was never allowed to circulate in Rabun County. Rafter was a man with intense feeling and a highly sensitive and nervous disposition, and I think he had just about come to the end of his rope when he left Georgia. It always seemed to me that he might be in a

state of mind where he felt everything closing in on him and life no longer worth the struggle.

The outcome of this transaction was very disappointing also because I had spent several years perfecting my own titles, and the titles that Oaks complained about were a part of the Morse lands in western Rabun County. I am reminded at this point of a deed that came to my notice over in Fannin County, Georgia, and that always seemed to me to represent the attitude of most people who had dealt with artificial titles. This deed read as follows: "For and in consideration of $5 cash in hand paid, I, Tom Jones, have bargained and sold, and do hereby transfer and convey to Bill Smith Lot No. 10 in the Sixth District of Fannin County, Georgia. The hish-hash laws of the State of Georgia to the contrary notwithstanding, it was mine, and now it is his'n. Properly signed and sealed." Evidently, Old Man Tom Jones had run across some of the artificialities of which I have spoken, and he expressed this indignation in the deed. However, he got rid of these lands.

Another amusing incident arose out of the surveying of certain lands that was done for us by Quincy Pearson of Highlands, North Carolina. I had purchased two tracts of land that lay adjacent to a lot line that was supposed to run due east. These two tracts of land belonged to two old farmers who were antagonistic toward each other. One of them was very positive as to where the lot line ran, claiming that it extended through a certain gap as was shown to him by his grandfather fifty years before. The other old fellow did not seem to know where the lot line ran.

When Quincy and I started out to run the line, it appeared that the line was not going to run through the gap, as was so positively insisted upon by Farmer A. I knew that if the line did not run where he thought it ought to, Farmer A would be disgruntled and dissatisfied, while Farmer B would insist that the true line was the one we were running. Therefore, I would not be able to get either tract of land unless the line ran through the gap, for it would end in a lawsuit.

The underbrush at this place was very heavy, and Quincy said he could not see the gap so as to run the line through it. I told him I would get off ahead where I could see the gap, and when I whistled he could deflect his line and follow me through the gap. We conducted our survey in this

manner, and Farmer A was entirely satisfied that his statement as to where the line ran had been justified, and Farmer B had no basis for making a complaint.

Quincy Pearson and I returned the next day and ran the line where it should have gone, and the acreage was computed on the true line. Neither farmer knew how much acreage to expect, and both were satisfied with the results. As a matter of fact, each got the true number of acres to which he was entitled, and we had avoided the inevitable controversy that would have delayed and perhaps prevented consummation of our trade. Quincy told me that he had run many lines to many objects and that he was very familiar with running a line north ninety degrees east to a rock, tree, or any other monument, but this was the first time he had ever run a line north ninety degrees east to a whistle.

This brings to mind another curious description that was set out in a deed given to me in Tennessee. It read in part: "Beginning at Rachel's rock house and running north 10 degrees, east 400 poles to the gap where the Rebels killed Tom Bowling." This was a well-defined location, for Tom Bowling's grave was still visible in the gap. Tom Bowling had been a deserter from the Confederate army. Whenever a detachment of soldiers was sent to his home to arrest him, it was his habit to flee up the mountain and escape through a secret cave that penetrated to the opposite side. While the soldiers were going over the top of the mountain, he got away by taking a short cut. After Tom Bowling had escaped two or three expeditions in this manner, a young lieutenant who suspected something of this kind was sent to arrest him. The lieutenant posted some of his men a few yards from where Tom Bowling was seen to disappear into the side of the mountain. When Tom fled from his home and sought his secret cave, just as he reached this point and was running up a fallen chestnut tree, he was fired upon and killed. His body was removed to the gap and buried. His descendants claim that the grave was so shallow that Tom's toes stuck out above the ground.

During the time I was engaged in these land transactions in Rabun County, my brother, Nat, continued to operate some circular sawmills on behalf of the firm. He purchased from Sandy Munday some timber on White Oak Branch, a fork of the Nantahala River in North Carolina. He

also purchased a considerable tract on Yellow Creek in Graham County with the assistance of Bill Berry, our old superintendent. I had become a little discouraged about the land business, having failed in all of these trades that I have described. But each one was intensely interesting, and from each trade, even though it failed, I learned a great deal about titles, timber, and the art of promotion.

In the year 1907 we had a big depression caused by the failure of a trust company in New York City. It was strictly a financial depression, but its reaction also stopped the sale and production of all kinds of commodities, and the lumber business was especially bad through 1907 and 1908. We had accumulated quite a considerable inventory of lumber when the depression hit us in the fall of 1907, and all through the year 1908 we were unable to sell any of it. The only bright spot in our business was the cutting of a little timber that we had bought with Tom Ritchie over on Nantahala River, just above where Ritter's Rainbow Mill afterward was established. It did not contain more than thirty or forty acres, but on it was an immense quantity of some of the most beautiful poplar timber that I have ever seen. I think we cut 242,000 feet of poplar and red oak off of this small tract, which of course was a phenomenal amount to come from so small an area. The trees were very big, running as high as 4,000 or 5,000 feet of lumber to the tree.

We employed a man named Irvin Ammons to log and saw this timber on a little circular mill that he owned. We paid him $3.50 per thousand for cutting and logging and $3.50 per thousand for sawing and stacking, so that the timber was put on sticks for $7.00 per thousand. The principal cost was in the hauling, but even that was phenomenally low because nothing was being done anywhere in the county. The farmers whose teams were idle worked for very small remuneration rather than have to feed the teams through the winter.

It so happened that the only concern in the county doing any buying was the Singer Sewing Machine Company, which was installing a great number of sewing machines in the women's garment plants in New York City, Philadelphia, and Chicago and also in the men's ready-made tailor shops in the same cities. They used for this purpose long tables that were built altogether out of two-, three-, and four-inch poplar boards. The tables

had to be made of large trees, because they had to be of a certain width. We got in touch with the Singer Sewing Machine Company and sold them all the poplar that came off this tract of timber at $28.00 per thousand, log-run. The timber had cost us $350.00, or about $1.25 per thousand; the manufacturing cost $7.00, making $8.25; the hauling cost $5.00, making $13.25; and the overhead, which was very low at that time, did not amount to more than $2.00 per thousand. (Nat and I were doing practically all of our own work except for the bookkeeping, which Frank Dillard was doing for us.) Therefore, the net profit was sufficient on this small amount of lumber to carry us through the year without loss. This was the most profitable and most satisfactory small boundary of timber that I have ever operated.

TWELVE

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Sawmilling on Tessentee Creek, 1907–1908

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During my first operation on Tessentee Creek in North Carolina, I made my headquarters with a red-headed widow named Annie Conley who operated a little store about five miles up the creek. She paid our men and handled our payroll. In the course of our operation about one hundred thousand feet of logs had been yarded up on the mountain and had to be hauled by a wagon down to the mill, which was two or three miles down the creek. Without thinking of what the consequences might be, I sent our teamster, a Negro man by the name of Tom Nelson who had come with us from Tennessee, to haul the logs. Mrs. Conley agreed that she would feed him and find a place for him to sleep in her kitchen.

The first night a crowd of rowdy, drunken boys and young men surrounded her house, fired pistols and guns, and threatened to come in and take Tom Nelson out and hang him. Tom was sitting in the kitchen, probably frightened nearly to death. Mrs. Conley drew up a table in front of the door with a pistol and a shotgun lying on it, opened the door, and called to these men, who were rioting outside, that this Negro had been put in her care, she would protect him with her life, and she dared any one of them to try to come into the house. She bluffed them all, and they left.

The next day my foreman learned of the occurrence and telegraphed me at Clayton to come and see what I could do about it. The logs had to be gotten off the mountain, and the Negro had to be protected if possible, so I rode up to Tessentee Creek and went to see Cale Conley, who was the leading merchant on the creek and the brother of the Widow Conley. I told him what had occurred and that I had not known that any objection would be raised to the use of the Negro on the creek. Furthermore, I was perfectly willing to take him out if the residents of the creek would furnish me with a man to haul the logs. This seemed to satisfy him. He sent me a young man to take Tom Nelson's mule team and heavy Mitchell wagon, load it with the logs, and bring them down to the creek.[1]

This young man and a companion went up with the outfit, loaded the logs, and started down the steep mountain road. At the first curve he swung the mule team too wide. His wagon turned over, and the logs broke loose from the chains and scattered down the mountain, narrowly missing him and his companion. He was pretty courageous and righted the wagon, reloaded the logs, and started once more on his trip. Before he got to the foot of the mountain, the wagon turned over again. This experience discouraged him so that he brought the team back and put them in the barn, and the job was ended so far as he was concerned.

I went back to Mr. Conley, told him what had happened and that I was going to send Tom Nelson back, as he seemed to be the only man at this place capable of hauling the logs, being the best teamster I ever saw. I also said that I was offering a reward of one hundred dollars for information leading to the arrest of anyone molesting my driver, Tom Nelson. So I took Tom back up to Annie Conley's house, and he recommenced hauling the logs. Within a week he was the best-known figure on the creek and one of the best-liked men. He stayed on Tessentee Creek for a year and a half and was never again molested by anybody.

The people of the mountain communities at that time had an aversion to Negroes, being afraid that crews would be brought in to take their places at the mill and in the woods. In many communities, the Negroes were not allowed to remain.

Left: Andrew Gennett as a young man in the north Georgia woods. *(Except as otherwise noted, all photos are by Andrew Gennett.)*

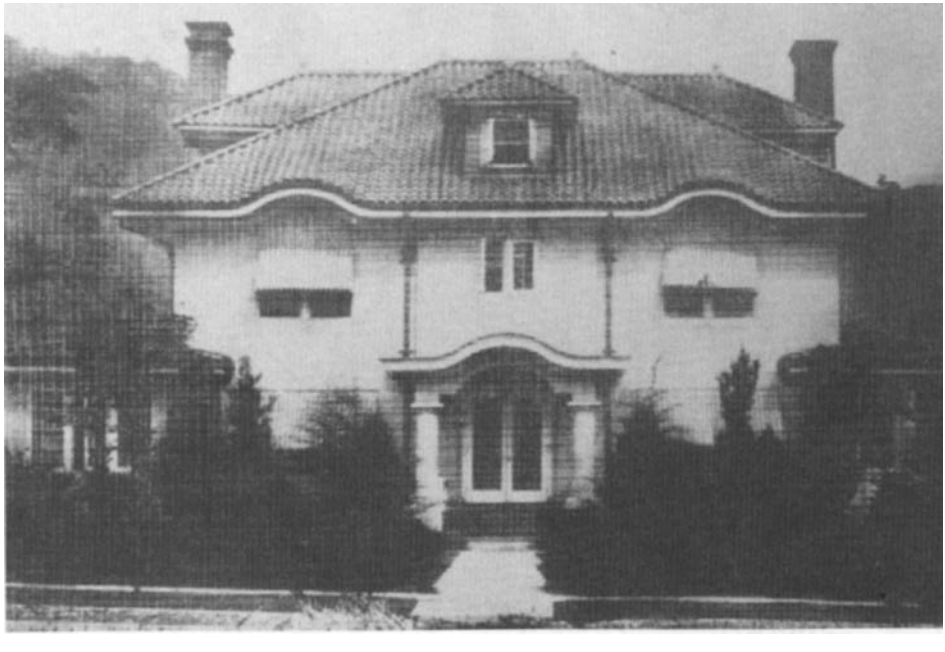
Below: Nat Gennett *(left)* and Leon Miller, bookkeeper, in the mill office at Madison, South Carolina.

Right: Aunt Fanny Smith, a very colorful character. Gennett boarded with her at her home on Camp Creek.

Below: The foresters of the first crew. Andrew Gennett is second from the right. Clyde Leavitt, the crew chief, is to Gennett's right.

Atlanta, Georgia. Julia Tate on her marriage to Andrew Gennett.

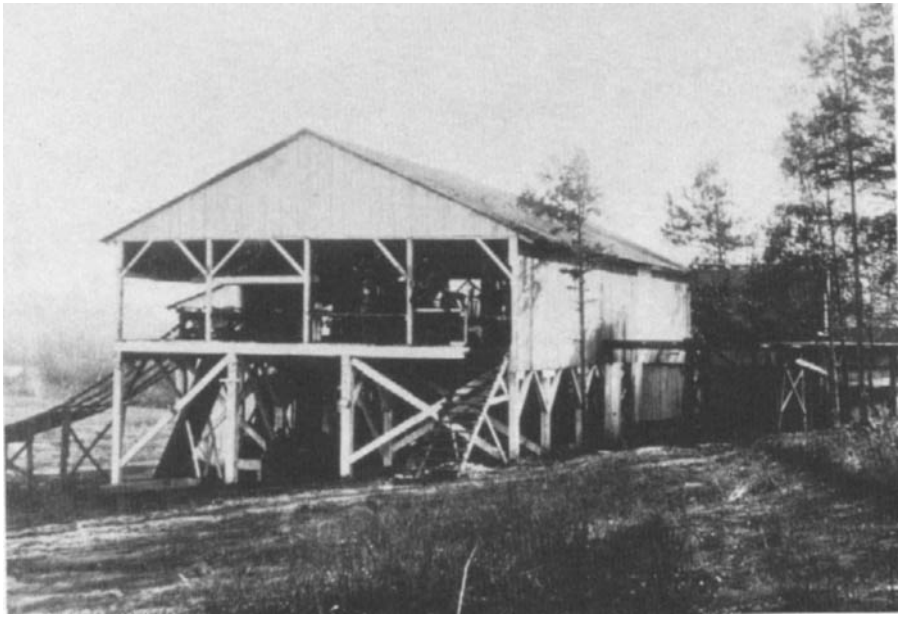
Andrew Gennett in his later years.



Gennett's home in Asheville, North Carolina.

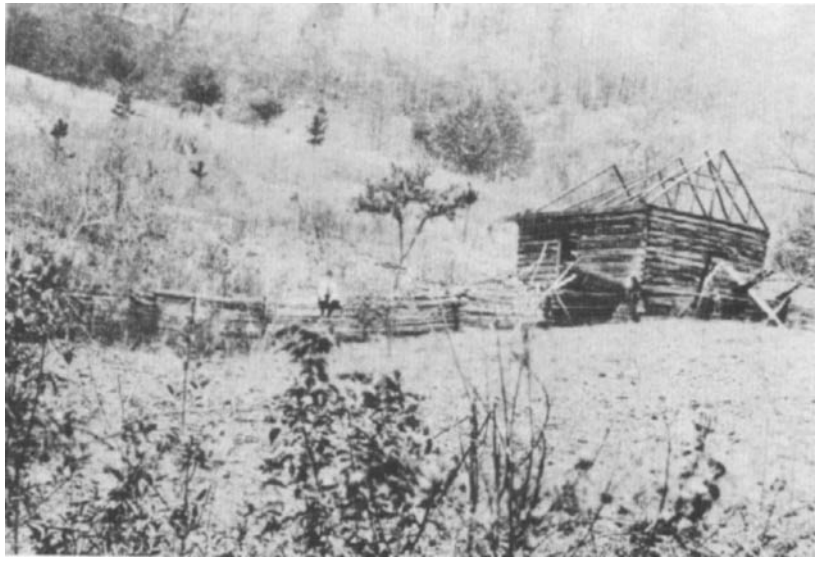
Boom building at Madison. Elliot *(right)* and another man hold jam pikes.

Poplar logs behind the boom at Madison. The outside logs are joined with chain dogs.



The mill that Kirkpatrick built at Madison.

"On sticks." Stacking lumber to dry at Madison, South Carolina.

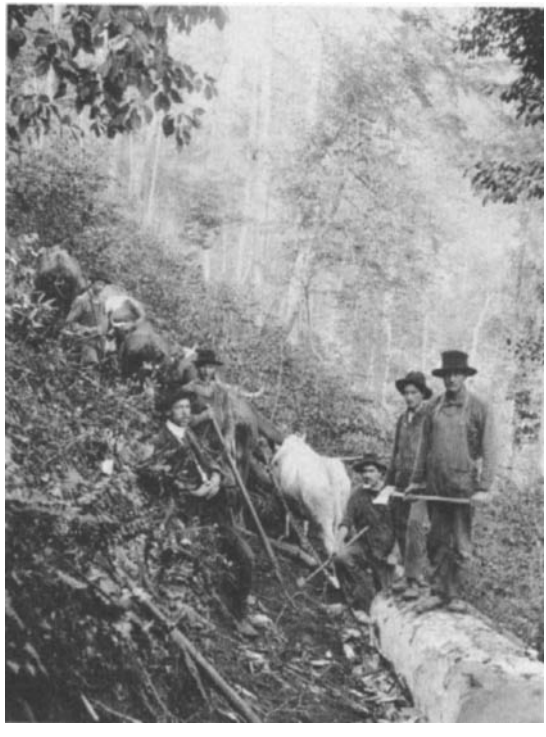


The Fannin County lands. This is one of Gennett's documentation photos that show abandoned farms.

"Logging out" with oxen in Rabun County, Georgia (early 1900s). Yellow poplar logs, their ends rounded for easier skidding, are placed on rollaways.

Macon County, North Carolina, 1916. An old-growth poplar log from Poplar Cove above the Nantahala River.

A rollaway in the woods of Georgia. Both Gennett's woods crew and the mill were integrated.



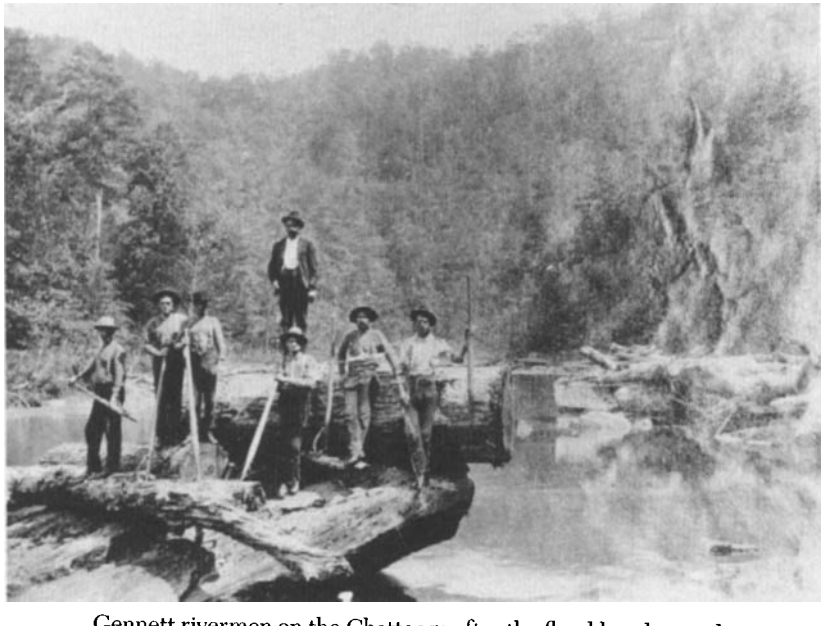
Gennett and his loggers. Andrew Gennett is on the left. "Bull-o'-the-Woods" Phil Lovin is on the right.

Logging out with four spans of oxen. Gennett's reinforced skidway may be seen.

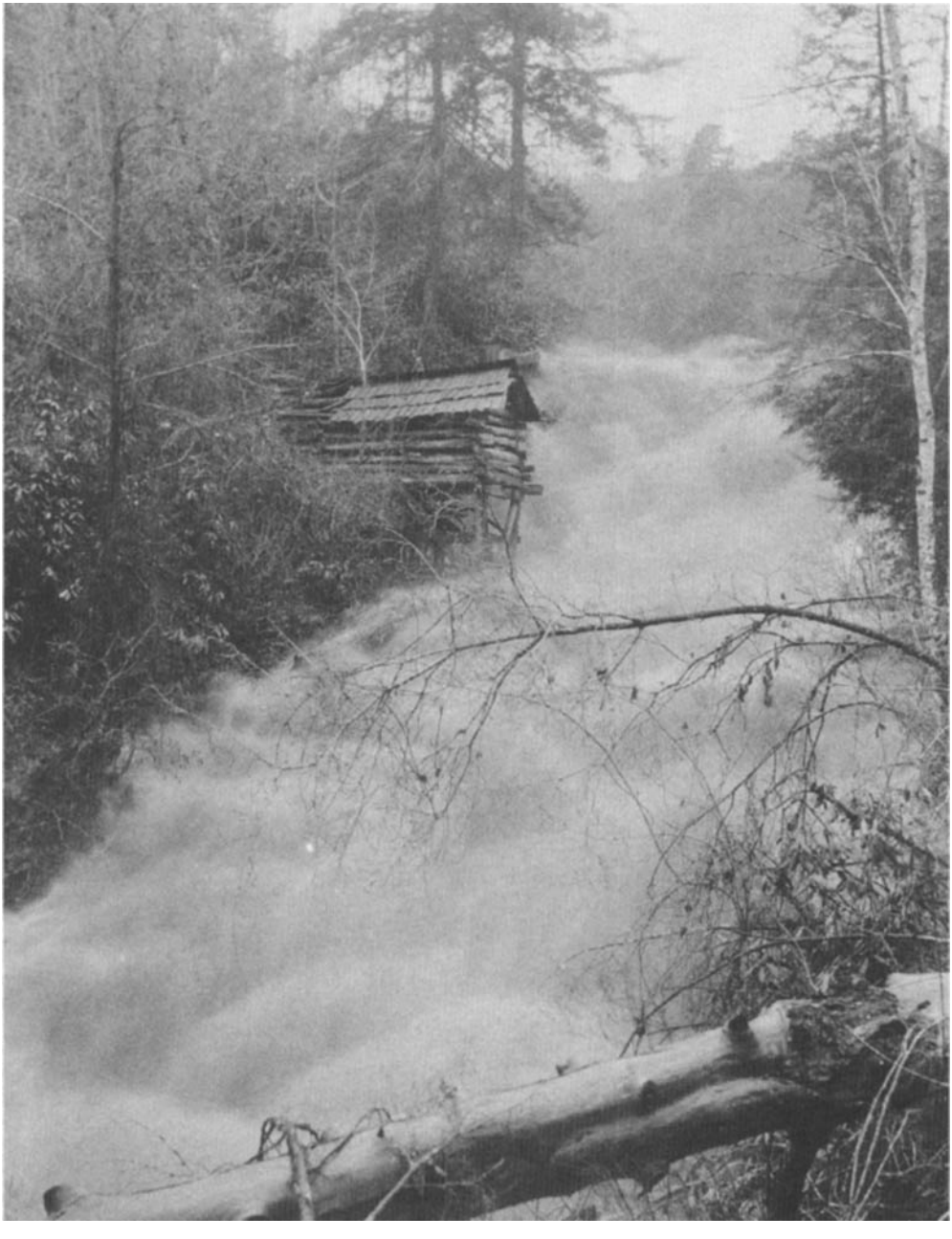
On the Chattooga. Gennett rivermen and skinners pose near their camp with local farm families.

The splash dam on Camp Creek, Rabun County, Georgia. The loose log crib was made to blast apart easily and cleanly.

Inside the Camp Creek impoundment.



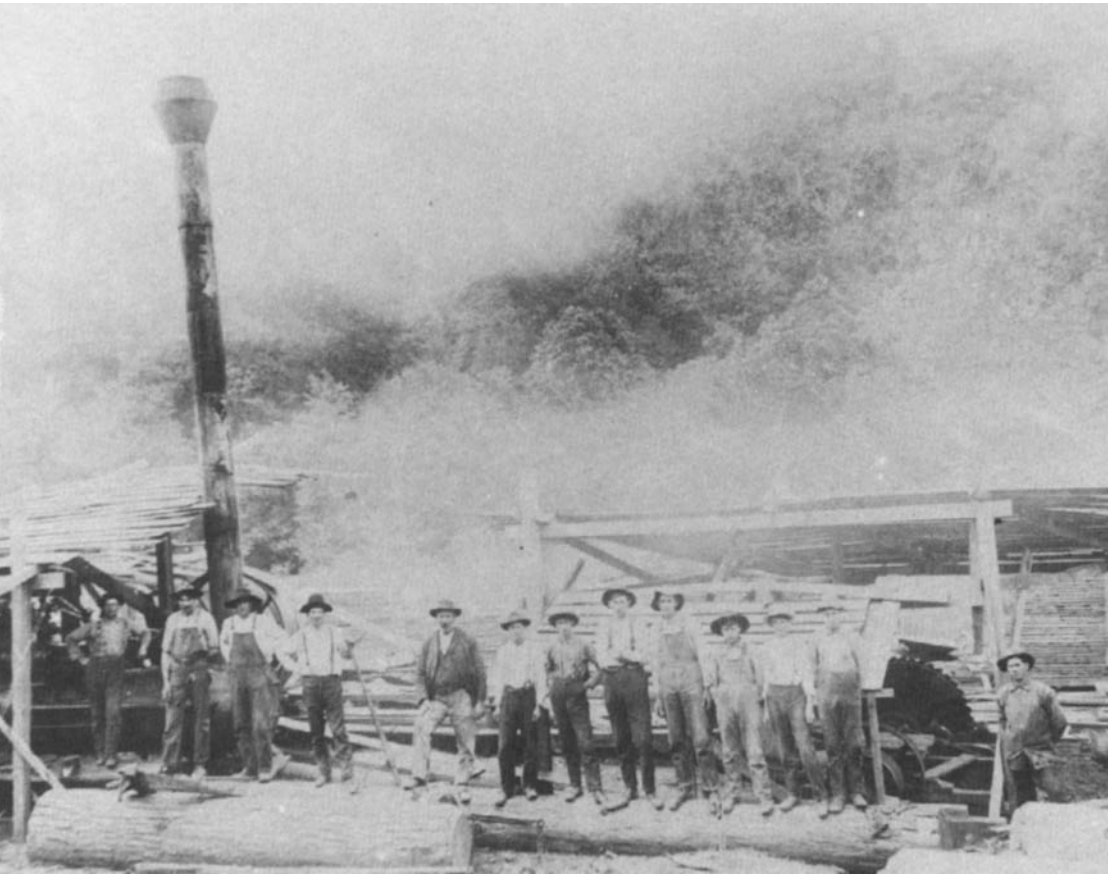
Gennett rivermen on the Chattooga after the flood has dropped.
The men pose with peaveys.



"Blowing the splash" on Camp Creek. The photo shows the area just below the dam and was taken immediately after the dynamite exploded.

A Gennett logging locomotive and train. The machine is a No. 2 Shay "sidewinder" pulling three cars and an American log loader. Believed to be near Toxaway, North Carolina.

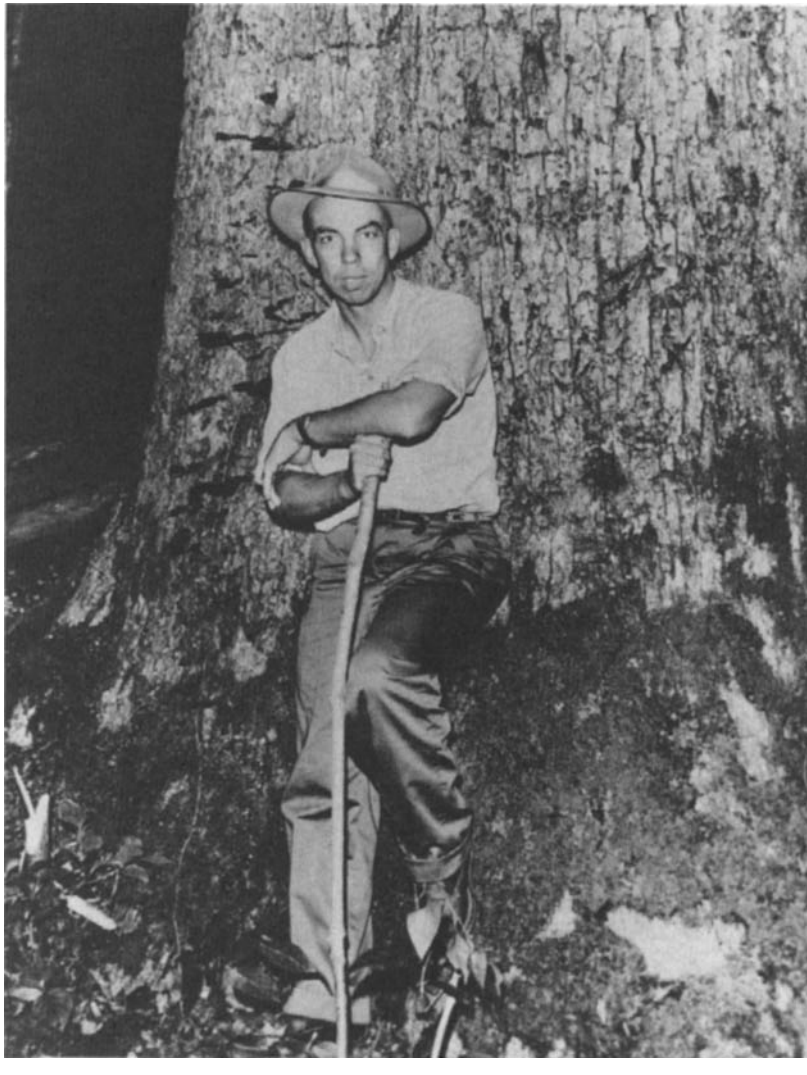
The mill at Gennett, Tennessee. A trainload of logs goes into the mill pond.



A steam-powered circular mill. At one time, the Gennetts operated twenty-five of these mills.

In the valley of the Chattooga.

Graham County, North Carolina



Gilmer County, Georgia, in the 1950s. Andy Gennett, son of Andrew, in the woods. He declined to cut this old poplar and so saved Georgia's largest tree as a living memorial to his Uncle Nat.

THIRTEEN

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Removal to Franklin, North Carolina

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Rabun County in Georgia is one of the most rugged and picturesque counties on the south side of the Blue Ridge. It has an atmosphere all its own, and at that time many people there were crude and ignorant. When we moved to Macon County, North Carolina, there was a very different atmosphere. We found that in Rabun County the manufacture and sale of moonshine were not only tolerated but encouraged. Yet when we crossed the state line into Macon County, the liquor business was under rather strict control, and its effect upon the character of the people was quite evident. Rabun County must have been settled by those who were seeking refuge from the law, while Macon County evidently was settled by people who sought education and who were looking to better themselves and to improve their living conditions. I have never been in any mountain country where the people generally were of as high a class as they were in Macon County, and I have lived in North and South Carolina, the mountains of Georgia, the mountains of Tennessee, and the mountains of Kentucky.

We remained in Clayton until January 1, 1908. On this first day of January, Mother, Nat, and I went to Franklin, taking with us a big, stout, and gawky country girl who was the only person we could get hold of to do our work. We rented Mr. Kope Elias's house. This was a nice place located on a hill where Angel's Hospital now stands but the coldest place in winter that

I ever felt in my life. The rooms had small fireplaces and coal fires. There were numerous doors that were badly fitted, considerably warped, and opened into the hall, and the windows let air in from every direction. The bitter, winter days were almost unbearable. Mother used to wear seven or eight petticoats, and Nat and I mainly stayed out in the woods, where we could keep warm.

However, in the summertime it was the most delightful place that I ever lived in. There was a beautiful front porch, plenty of large trees around the place, and the most delightful garden imaginable. It contained peach, apple, pear, plum, and cherry trees; currant and gooseberry bushes; strawberry, rhubarb, and asparagus beds, and the soil from long usage had become enriched so that the vegetables and melons grew bountifully. Frank Dillard and I made the garden that first year, 1908. I recall that in midsummer we had twenty-eight different products on the table at one time that had been taken from that garden, a record I do not believe can be surpassed by many gardens.

That year Sam Ransome spent the summer with us, and my cousins Nell Kreig and Fermine Pride from Nashville also were with us. Most of the time was occupied with playing the new game "bridge," in which Sam was exceedingly expert. All of them were delightful companions, cultured and agreeable. Unfortunately for us, we got ourselves into a lawsuit that involved Dr. Wylie Rogers and the lawyer, Mr. Fred Johnston.[1] This created a good deal of bitter feeling and, I think, had some effect in limiting the enjoyment that we should have gotten out of our lives in Franklin.

This lawsuit that we had with Dr. Wylie Rogers came about in the following fashion. I was at the time living in Clayton, and I heard that one Manse Rogers was cutting a boundary of timber six or eight miles from Franklin, so I went there and out to see him. He had about 50,000 feet of lumber on sticks, and the boundary that he was engaged in cutting appeared to me to have 300,000 to 500,000 feet on it, though I made no careful cruise or effort to find out the amount.

I made a trade with Manse Rogers by which I advanced him $500 on the lumber already cut. Further, as fast as he cut and put on sticks additional lumber, I was to advance him $14 per thousand on the estimated amount cut. He told me positively that the timber was paid for, and it never

entered my mind to doubt that he was telling the truth. The previous owners also told me that the timber was paid for. Neither of them told me that while the original owner had been paid, it was Dr. Wylie Rogers who paid it and that Dr. Rogers had taken a mortgage from Manse Rogers on the timber. As Manse was Dr. Rogers's cousin, he had some notion that he could make an arrangement with Dr. Rogers whereby the trade he made with me could go ahead without interference from the doctor.

However, when I returned to Franklin I took the precaution of going to the courthouse and examining the title that Manse Rogers claimed. I then discovered that Wylie Rogers had a mortgage for $2,500 on the timber. This mortgage would of course hold on the lumber. The $500 that I had advanced Manse Rogers would be in great jeopardy, because first Dr. Wylie Rogers had to be paid the $2,500 before I could claim my $500. I did not know if the timber was worth $2,500; if I thought so, I certainly would have paid it. But not knowing the value, I tried to make a contract whereby I would pay only what it turned out to be worth. The state supreme court took the position that I made the contract to get time to pay the $2,500. I always had plenty of money to pay it off, if I knew it was worth that much. But I made the contract for the express purpose of not having to pay a fixed sum, only the value as subsequently ascertained.

I was very indignant and sent word to Manse Rogers that unless he repaid me the $500, I would send for the sheriff and have him put in jail for obtaining money under false pretenses. Also, I would cancel the contract, and he could find somebody else to handle his lumber. Manse was seriously alarmed. Wylie Rogers also became alarmed, because selling lumber at that time, which was the beginning of the fierce monetary panic of 1908, was almost impossible. Manse could not cut the timber unless he could find somebody to buy the lumber and advance him the money for its manufacture. As the timber was held under a time limit, there was grave danger that Wylie Rogers might lose his $2,500.

Under these conditions we all met in the office of Mr. Fred Johnston, a leading lawyer at Franklin. Johnston secretly had become a partner with Wylie Rogers and was interested in the purchase of the timber. There, it was agreed and put in writing by Johnston that Gennett Lumber Company would advance to Manse Rogers the sum of $9 per thousand on all the

lumber manufactured by him from this boundary of timber. Manse Rogers admitted this sum to be sufficient to manufacture the lumber. The next clause provided that Gennett Lumber Company would buy the lumber on grade at certain specified prices. This was so the lumber would bring an average price per thousand, and that the difference between this purchase price and the $9 per thousand advanced to Manse Rogers should be paid to Dr. Wylie Rogers to apply against his $2,500 mortgage.

Nobody knew how many board feet the boundary would produce, and nobody knew what grade the lumber would average. Therefore, there was nothing in the contract providing for full payment of the $2,500. It was understood that Wylie Rogers was to take the chance that the lumber would produce the $2,500, or enough to bring him out whole.

When Manse Rogers finished sawing the timber, the sum provided above per thousand only produced $1,700. Dr. Wylie Rogers brought suit against Gennett Lumber Company for the $800 balance due. He took the position that we had guaranteed to pay him $2,500 and that there would be enough lumber to produce $2,500, so that he would not suffer any loss. He alleged that it was a verbal contract, which was in addition to the written contract and provided only as I have stated above. Nat and I both denied that we had made any such promise.

After a bitter lawsuit that was poorly handled by our attorneys, the jury believed Dr. Wylie Rogers. Rogers was an old resident of the city and of an influential family, while Nat and I were still living in Georgia. We had no contacts with Macon County and, as we were all outsiders to western North Carolina residents, we were "furriners" and not worthy of belief. My lawyer in this case was Jack Dillard of Murphy, North Carolina. He was a man of distinguished reputation and a really hair-trigger brain. I think this was his greatest drawback, because in this case he overlooked practically all of the salient points in his speed of thought.

As a sequel to this lawsuit that aroused a great deal of very hard feelings, Mr. Wint Horn, attorney for Dr. Rogers, in the presence of the president of the bank had promised Nat that he would allow all of the time necessary for carrying the case to the supreme court. The law only allowed twenty days. Our other lawyer, Henry Robertson, who was an irresponsible sort of fellow, went fishing and allowed the twenty days to elapse. When Nat and Robertson approached Wint Horn and asked that he permit them to make

out the transcript for the supreme court, he alleged that the time had expired for carrying the case up. Horn said that his promise meant that when they approached him and asked for time in which to prepare the transcript, he would allow all they wanted. But they never asked for the time until after the legal period had elapsed. Therefore, Horn felt he was not bound by his promise.

Nat and Wint Horn engaged in a bitter quarrel in which the lie was passed, and Nat knocked Horn down with one stiff blow on the face. Horn got up and rushed into the hardware store next door, where he secured a shotgun. In the meantime, Nat passed behind the bar at the bank where a pistol was always kept by the cashier. Nat secured this pistol, and when Horn came dashing back into the bank brandishing his gun, Nat threatened to kill him with the pistol. Horn simmered down, and the matter was referred to Jim Porter, who had also been a witness of the promise and who bore out Nat's view of the agreement. Without further trouble we secured the right to present our transcript to the supreme court.

The attorney who prepared our brief on appeal to the supreme court was the famous Judge Winston. Judge Winston's presentation of our case did us absolutely no good, because the supreme court was engaged in emasculating the ancient Statute of Frauds that had been passed in the days of Charles II by the English Parliament. At that time, lawsuits involving verbal agreements had become so frequent and perjury so usual that the Parliament of England was moved to pass an act that became known as the Statute of Frauds. It provided as follows: "Verbal testimony shall not be admissible to alter, vary, or deny a written instrument."

In addition to our lawsuit, the supreme court had before them a case that was brought by a father who had deeded a house and lot to his daughter. She was allowed in the lower court to testify verbally that at the time she made the note to him for $1,500, which he was suing for, it was understood between them verbally that she was not to pay the note, that it was to come out of her share in his estate after his death. By a three-to-two decision, the supreme court decided that this verbal agreement was merely supplemental to the written agreement. It did not alter, vary, or contradict it but merely added supplementary meaning to that which the written instrument contained.

Using that as a precedent, they decided that Wylie Rogers was entitled

to introduce verbal testimony. This was the very thing that I had made the contract to avoid, and it was such an anomalous condition of affairs that I was knocked totally off my pins. For more than a year after this time, I was afraid to enter into any contract for fear it might be supplemented by some lying verbal statement that would hold us responsible for an unlimited sum.

It took me more than a year to regain my courage and equilibrium, and I have not yet been able to subscribe to the doctrine that the majority of the supreme court held. It certainly means to me that the amount upon which we agreed to pay was definitely fixed, and we were made to pay $2,500 regardless of our contract, in which case there was no security in the paper writing. As a matter of fact, Judge Manning filed a dissenting opinion on the case in which he stated, "Here is a written instrument, agreeing to pay a certain sum at a certain time to a certain person, and the Court has allowed verbal testimony to be admitted tending to show that no money was to be paid to any person at any designated time. I am unable to subscribe to such a doctrine."

Judge Winston was not able to win my case before the supreme court, but I think he presented it as well as it could be presented. He was always deeply interested in winning every lawsuit that he was given. Yet Winston's philosophy of the duty of a lawyer did not entirely coincide with mine. He frequently admitted that from the first day he started practicing law, he felt himself thoroughly committed to the winning of his case by any legal artifice. In my judgment, no lawyer is justified in trying to win a case unless he feels that substantial justice is with him. A lawyer is an officer of the court whose duty it is to see that justice is done and not merely to present one side of a lawsuit. In the latter case, it is not justice that prevails but the smartest, most intelligent, and most industrious lawyer. I do not agree with him—that for a lawyer to refuse to take a case is to prejudge it. I believe that the lawyer is only exercising his moral right to pass upon the justice and not the mere legality of the matter at issue.

FOURTEEN

The Weeks Act of 1911 and Land Sales to the Government

We come now to the consideration of what was to be the most momentous land trade in which I have ever been engaged. Several have involved larger sums, but none was more significant or led to greater consequence than the one that I now will detail.

While the Himmelburger-Harrison deal was still in the process of completion, we learned that Chastain Brothers of Fannin County, Georgia, were offering a tract of twenty thousand acres for sale in that county. We had in our employ a man named Edwards who was a very irresponsible and unreliable person and an inveterate user of liquor. He was bound to us by certain obligations so that I felt we could trust him, and I sent him over to Fannin County to investigate these lands.

The investigation showed the lands to be desirable at the price offered. It also showed that certain timber speculators and timber brokers were on the ground and that they were doing everything in the world to discourage anybody else from coming into that territory and making any trade with Chastain. Edwards telegraphed me that he thought I would be pleased with the timber, but I was liable to have trouble with these timber brokers. I decided to investigate personally and went over to Blue Ridge, which is the

county seat of Fannin County. I hired a horse and rode up to the place where Edwards was boarding on Noontootla Creek. I made a preliminary cruise of the timber and decided that if I could get a satisfactory trade out of Chastain, I would close for it.

There seemed to be a considerable number of acres of land adjoining Chastain's tract that could be acquired, and I immediately sent Edwards to take options on this land. We eventually included Chastain's acreage and got together a tract of more than thirty-two thousand acres consisting of 232 different parcels of land. It became necessary for me to investigate the title to all this land and make an abstract of each separate lot, which proved to be at least a year's work. Therefore, I turned the lumber business over to my brother and made my headquarters at Blue Ridge.

I obtained an office from the ordinary of the county, Mr. A. Hall, who proved to be an excellent friend and a kind and considerate man. I also made the acquaintance of Sam Allen, a young man who was just embarking in the practice of law. He proved to be very helpful in making up these abstracts. I worked for more than a year on this business, keeping a stenographer actively engaged in transcribing notes about the titles.

Pending in Congress at this time was an act entitled "An Act to Regulate the Navigability of Navigable Rivers by Protecting the Watersheds at the Head of Said Rivers."[1] This Act, for the purchasing of lands by the United States government on the watersheds of navigable streams, was initiated by Theodore Roosevelt and Gifford Pinchot for the conservation of our natural resources. There had been a lot of controversy about the constitutionality of the Act. So far as I can see, it is not constitutional to acquire lands merely for the purpose of preserving them for the practice of forestry. However, the proponents of the Act were very enthusiastic and about that time originated the theory that the lumber dealers had wasted and devastated the vast area of the forests of the United States and that the time had come to reforest. It definitely became understood that lumbermen were generally crooks and rascals, and something had to be done to preserve the forestlands of the country.

All sorts of schemes were suggested, some of which involved compelling the timber cutters to plant a tree for every tree cut and to put the cutting of timber wholly under the advice and direction of the U.S. Forest Service. This idea was bitterly fought by the lumbermen, who considered

themselves put into a straightjacket under mere theorists and amateurs and who thought that the government's Forest Service had insufficient knowledge to properly control and direct a widespread, very difficult, and complicated industry.

The constitutionality of the purchase of timberlands for the mere purpose of practicing forestry was bitterly debated in Congress. Many articles were written by attorneys and economists, pro and con, on the question of its constitutionality, reasonableness, and desirability. Finally, it was discovered that in the state of Maryland the United States government had exercised a constitutional right to purchase and regulate the oyster beds of the Chesapeake Bay. This was taken as a precedent for authorizing the United States to purchase and regulate forestlands along the heads of navigable streams. Another precedent was found in the actions of the state of Maine in regulating and controlling the white pine along the shores of the Penobscot River. It was on the principle of these two cases that the constitutionality of the Weeks Act was established and passed in 1911.

Since that time, Congress has passed far beyond the theory of protecting the watersheds at the head of navigable rivers. Under the general welfare clause of the Constitution, the government has acquired lands in Michigan, Mississippi, South Carolina, and the pine country of North Carolina without regard to whether they were on the heads of navigable streams.[2]

In my opinion, Mr. Roosevelt's New Deal administration has gone far beyond the limited construction of the Constitution in general matters that existed in those early days.[3] Under the general welfare clause, the government has carried out all of Mr. Roosevelt's theories of social betterment and taxation that under the Constitution had been limited to the purpose of raising revenue. Taxation has been used as a weapon for the purpose of distributing wealth, which the New Dealers think has been concentrated in too few hands. This wealth now has been distributed in inheritance taxes, relief appropriations, and various other methods considered totally unorthodox by politicians of the horse and buggy days. These methods are opposed particularly by those who through thrift, superior ability to work, and superior desire to save have accumulated more than the average individual's proportion of the world's goods.

Taxation also has been used to punish industries that the New Dealers consider to have imposed upon the rights of the underprivileged and also

to regulate and control industry for the public good as construed by the reformers. Whether the reformers have improved conditions or not is a disputable question. We are no longer the richest people in the world. We have enormous numbers of unemployed. Our whole economy has been upset. Whether it can be reestablished on a new basis and again prosper, I do not know. Undoubtedly, many desirable measures and movements have been initiated, and possibly in the long run they may work to the public good. But after the anarchy of the New Deal experiments, it is possible that government will be restored in a more strict and burdensome manner than we have been accustomed to. These ideas were the forerunners of the present New Deal theories, which contemplate the redistribution of wealth and the direct control of all private efforts by the powers of the federal government.

Finally, a compromise was effected in Congress, and an act as above entitled was passed on the first day of March in 1911 after being debated on for nearly a year. The Act appropriated ten million dollars on a basis of two million per year. Nearly a year had elapsed since the Act was introduced into Congress, and all of the first appropriation had lapsed except one million dollars. The Forest Service was exceedingly anxious to use this money before the time for its utilization should expire and the funds would revert to the Treasury.

In the purchase of this thirty-two thousand acres of land, I underwent a great many hardships and was compelled to undergo a vast amount of tedious and difficult labor. The livery stable owner at Blue Ridge, on whom I had to depend for transportation up to the edge of the boundary, had the sorriest stable of livestock it was ever my bad fortune to meet. The boundary was about twenty-five miles from Blue Ridge, and during the first six months of the year, when I relied upon him for obtaining saddle horses, I never got anything but skinny old bags of bones that made hard riding and that kept me always on the ragged edge of fear that someday one of them would fall down under me and die.

Generally, I boarded at Mr. Chastain's, where there was an abundance of good food and good beds. Finally, I sent over to Franklin and got my own little saddle horse named Ribbon, who was the best mountain pony I have ever seen. She climbed like a goat and was always ready to follow me when

I had to lead her, no matter how rough the ground might be. She was as gentle as a dog, spirited, and a good saddler.

A vast amount of the land that I purchased I had to cover on foot. Quite a great deal I had to survey personally, so that the work was very arduous. But as I was able to mix up the office work and preparing the abstracts of title with the outdoor work of purchasing the land (locating and surveying it and cruising the timber), I had sufficient variety to make the work always interesting, and I enjoyed it very much.

I camped out for many weeks and spent many more weeks in the cabins of the mountaineers from whom the land was being acquired. The land was mostly on tributaries of the Toccoa River in Georgia, which flows into the Hiawassee. These tributaries were Rock Creek, Little Rock Creek, Noontootla Creek, and Cooper's Creek. There was one single area of more than twenty-five thousand acres, and in the central portion of this area there was a high mountain called John Dick Mountain, named for an old Cherokee chief whose home and farm had once occupied its summit. I ate peaches called "wild Indian" peaches from trees that he is said to have planted more than a hundred years before I came into the country. I recall with how much pride I used to climb John Dick Mountain, and as far as I could see in every direction, the land was ours.

This area was not uniformly well timbered. About half of it was beautifully timbered, but around the edges of the top of the Blue Ridge and on the ranges that lay between Rock Creek and Noontootla, and between Noontootla and the mountains that enclosed us on the west, there were large areas of cleared land that had been badly treated by the mountaineers who attempted to cultivate it. It was bare of any vegetation.

All of these lands, which in the last twenty-five years have been under the control of the government, I understand now are fairly well timbered. This twenty-five-thousand-acre area has been designated by the state of Georgia for a game preserve much like the one at Pisgah, North Carolina. On the head of some of the creeks, the government has set up fisheries and is distributing large numbers of mountain and California trout in the various streams that I used to wade and ford, when there was very little game and fish to be had.

My brother, Nat, who always relied upon my judgment in the purchase

of timberlands, went with me to see what I had been doing in Fannin County. He was mightily discouraged when he saw these big areas of vacant land. The first and only quarrel we ever had was over the purchase of these timberlands.

In all of the forty years of our partnership, Nat has been a loyal and affectionate brother. We have worked together always without friction. I respect his intuitive ability to smell a good trade and the energy and ingenuity with which he carries it through. He understands my qualifications as a good organizer and analyzer and a good man to carry out the details of these land trades. We have never counted our respective contributions to the success of the firm. Whenever anything had to be done, it was turned over to the one who seemed best qualified to do it. No question ever was raised by either of us as to the how or why it was done. In these recollections, the emphasis has been mostly on my part because I usually was called upon to carry out the details of the transactions. But I never have intended to minimize Nat's part in the work. In the beginning of this business he spent many days on scorching lumber piles, and his courage and initiative always have been a tower of strength to me.

I told him that he might have the Rabun County lands and that I would take the Fannin County lands. However, we soon straightened out this matter. On our journey, we went out on the top of the Blue Ridge and lost our way, with night coming on, in the month of November. Both of us were a little frightened at the prospect of spending the night in the cold on top of the high mountains. Fortunately for us, Ribbon had traversed that country. When I gave her her head, she started off at a brisk pace and soon brought us to a farmhouse where she and Edwards had boarded some weeks previously.

On this trip, Nat and I went up to the head of Rock Creek and spent the night with a mountaineer. He lived in the utmost squalor that I have seen a family exist in. They had no place for us to sleep, except for on the straw in the barn. There was not a knife or fork on the place and no food except corn bread and potatoes. We slept in the barn under a blanket that he provided. When we awakened the next morning, the snow had drifted in and lay six inches deep on our blanket. Nat was thoroughly disgusted, and afterward I never got him to pay another visit to Fannin County. That

was only a slight detail of the hardships that I had to undergo in carrying out the purchase and sale of this land.

The purchase finally was completed, just about the same time that the government passed the Act previously described. Nat and I lost no time in offering this land to the Forest Service. It was Nat's suggestion that made us present the land so quickly, and we were both a little surprised at the prompt reply we obtained from the Department of Agriculture in Washington.

A young man named Clyde Leavitt, who afterward became chief forester in the Canadian Forestry Service, immediately was sent down to make a preliminary investigation of these lands. I met him at Sylva, North Carolina, and we proceeded together to Blue Ridge. I mounted him on my pony, Ribbon, and took the best livery stable horse I could find, which was hardly strong enough to carry me to my destination.

Leavitt and I rode over these hills and mountains for more than three weeks. There were few trails, and most of our riding was simply through the woods wherever we could make our way. There is no riding any harder than this. Going around or up and down the mountain, you have to use every effort to stay on the horse and at the same time defend yourself with both hands from the attacks of limbs and bushes striking at you from every direction. Fording the streams also was a problem because the bottoms were always rough and rocky, and the approaches to the streams were nearly always through thick alders and willows without a path. The steep banks down which the horses had to scramble at the imminent peril of the riders' necks also made the going difficult.

Leavitt finished his preliminary survey and made a very favorable report on our timber. I priced the timber to the government at seven dollars per acre, and Leavitt immediately was authorized to organize a crew and proceed to the careful cruising of the tract. The crew that he brought down consisted of around fourteen young men who had just graduated from the new schools of forestry. None of them had much practical knowledge of the timber business, though all were fine surveyors and engineers and were used to doing the paperwork necessary for a job of this kind.

I met them at Blue Ridge, hired a wagon on which we piled their outfits of camp material (cruising sticks, maps, bedding, and so forth), and hired a

colored man for a cook. I proceeded with them to Joe Painter's house on the Rock Creek road. This house was near the center of the tract, where we arrived about two o'clock in the afternoon. We set up our beds, put away the food and supplies, and started planning the work.

At that time a timber cruise was made about as follows: One man was designated to carry the compass, and he tied the chain to his belt.[4] A second man carried the back end of the chain. When the chain reached its end, the chain-bearer would mark the spot with his heel in the soil so that the distance of the line could be ascertained. Two other men were designated to put themselves on either side of the chain-bearer at a distance of two and a half chains. They counted and estimated the trees from the chain to a distance of two and a half chains outside of the line that we followed, which was parallel to the chain. This cruise was what was called a "total" cruise, not a "percentage" cruise.[5] When a chain-bearer reached the top of the mountain that enclosed the watershed, he turned at right angles from the chains and went back parallel with the way they had come. Every tree on the boundary was counted and estimated; this was a one hundred percent cruise.

I stated in offering these lands to the government that there were many locust trees on the boundary that would run from eighteen to twenty-four inches in diameter. Mr. Leavitt made fun of me for claiming locust trees of that size in any quantity. I was very much gratified to learn that after the cruise had been completed, there were several hundred locust trees of the size I had designated. I think my accuracy of description in a large measure convinced the government that the amount of timber I claimed on the boundary was actually there.

The young men doing the cruising, and who were comfortably taken care of during the work, were loud in their praises of our organization. They also found some very interesting adventures. The first adventure happened on the first night after our arrival at Joe Painter's house.

It happened that on my previous visit to this boundary of timber, I found numerous stills in operation. The land was so long abandoned and neglected and so thinly occupied that people had drifted in from other counties in Georgia. They brought in tents and stills, setting them up on what appeared to be abandoned land. They continued to operate these stills for some years.

Just about the time I made this land purchase, the presidential election was completed.[6] President Woodrow Wilson began to replace the deputy marshals and deputy collectors with new officials. These officials, being new brooms, were determined to sweep clean. Immediately after my visit where I ran across these stills (twelve or fifteen of them), the deputy marshals made a raid in this territory and on one trip cut up eleven of these stills. The credit for having reported the stills was placed on me, so that when I returned to the mountains I was always afraid of being ambushed.

In the middle of the first night we were awakened by the Negro cook, who told us that the big barn about one hundred feet from the house was blazing. I was quite sure the barn had been set on fire by some angry bootlegger whose still had been destroyed by the government employees and who held me responsible. When the boys rushed out to suppress the fire, or at least save the house, I expected at any moment to hear a fusillade of shots from the dusky woods that surrounded us. I feared some serious consequence to these young men from Washington. However, our fears were unnecessary, because while the barn was burned to the ground, we saved the house and continued our work without further molestation.

The Agricultural Department was anxious for us to get these reports in and the purchase consummated before the first of July. This was when their first appropriation of two million dollars expired, after which they could get no further money without a new appropriation by Congress. We did get our report in. Then I went to Washington and got the chief of the Geological Department to report that this land lay on the head of a navigable stream, namely, the Savannah River, and therefore was eligible for purchase under the Act. Our land was the first tract offered to the National Forest Commission under the Weeks Act.[7]

Unfortunately for us, hardly any of the titles of the north Georgia wild lands were perfect paper titles. Nearly all depended upon what is called the "right of possession" or "prescription," which, under the law, after seven years virtually becomes a good title. When I arrived in Washington and laid our titles before the assistant attorney in charge of the Agricultural Department (a young Irishman from Seattle named Delaney), I told him not

more than five percent of my titles were perfect paper titles, which means that they were original state grants and came down through successive deeds to the present holders. He became very dubious and said that the matter would have to be presented to the United States attorney general who, at the end of Mr. Taft's administration, was Mr. Wickersham from Massachusetts. So an engagement was made for me to go to see Mr. Wickersham the next day and present my case.

I learned from this transaction the difference between government business and private business. The Act of 1911 provided that whenever a title was presented "satisfactory to the attorney general," the government could acquire the land. It did not say that the title had to be a good title or a paper perfect title but that it had to be "satisfactory to the attorney general." I thought this gave him the latitude to take such titles as were usually taken and passed between private individuals in Georgia, where a title by possession always was accepted as entirely valid and legal.

I found Mr. Wickersham to be a very able and brilliant lawyer and a kindly and considerate gentleman who gave me ample time to present my case. I did so with all the eloquence I could command. I offered that if the government would take my titles by possession and put their rangers on the lands, they could retain fifty thousand dollars of the original purchase price. This would be to guarantee that if any title was attacked, they would have the money in hand with which to settle the controversy. This arrangement would have been entirely satisfactory to any private individual. If no title was attacked, the government rangers in possession of the land would perfect the title within seven years, and their information would always be available in the courts.

Mr. Wickersham heard me out patiently. When I had finished, he called for a secretary and asked to see a certain report of opinions of attorney generals. He turned to a report that was made to Albert Gallatin when as secretary of the treasury he was preparing to purchase land in the city of New York on which now stands the Sub-Treasury Building on Wall Street. This, of course, is enormously valuable ground. The attorney general investigated the title and found that a small cloud existed on it. He reported to the secretary of the treasury that under no circumstances should the United States "acquire any title that was not indefeasible." Mr. Wickersham

shut his book and said, "Mr. Gennett, the government is not in the bonding business."

This was the first purchase to be made by the government under the Weeks Act, and it was failing for lack of title. I became convinced that the Weeks Act could not be applied to the state of Georgia, because there were no titles in the mountains that would meet the requirements of the government and where the timber was available. I was mortified and distressed that so many failures followed my efforts to complete land sales.

As I passed out of Mr. Wickersham's office it so happened that I went by one of the assistant attorneys named Mr. Strickland, who was the title attorney and who came from my home state of Tennessee. He knew me and what my errand had been and inquired as to the result. When he found that the titles were not satisfactory, he suggested that perhaps there might be some federal statute that would permit the condemnation of this land, as it was being acquired for a public purpose. He said that if he could find such a statute, he would draw up a brief and present it to Mr. Wickersham, provided I was willing to allow my lands to be condemned.

We spent half a day searching the federal code and finally came across an act that had been passed by Congress in 1795. The act stated that lands that the United States desired to acquire could be condemned if it desired to acquire them for building lighthouses "and for other purposes." It was decided that "and for other purposes" covered our case, and this statute would permit condemnation of our lands. That was the origin of the condemnation suits that even now are being brought for the purpose of acquiring forestlands. However, probably other enabling acts have since been passed.[8]

The next question was to decide whether it would be safe for us to allow a condemnation suit to be brought. We were contemplating that all persons who had or claimed any interest in the land would be brought into court and, further, that the money should be paid into court and the different claimants should have a fair chance to fight out the ownership of the title and the ownership of the money derived therefrom.

This seemed to me to be a very risky proceeding, because I knew that a great many of my titles were dubious. To go out and invite all adverse claimants to come in and put in their claims might leave us without any land

at all, whereas if I held off and allowed the title to ripen by seven years' possession, nine times out of ten no claim would be presented, or it would be easily defeated. However, after searching the Supreme Court library in Washington, I found there were two cases, one in the state of Vermont and one reported in the equity reports for the state of New Jersey. The cases set forth that the "ostensible" owner, if in possession of the land, would be entitled to receive the money from its condemnation without having to prove title.

Now I was in possession of the land and felt that I probably could fight off my adversaries and get the money, eventually. I consented to the condemnation, and the Agricultural Department sent Mr. C. H. Jennings to the federal court in Atlanta. Mr. Carter Tate, former congressman from that district, was the United States attorney for the purpose of inaugurating these proceedings. However, my difficulties were not ended, because presently we came across a tract of land that had been conveyed fifty years ago in which the mineral interest had been reserved by the seller.

The United States would not purchase a title with an outstanding mineral interest. Therefore, I had to go to Washington and work to get a law passed authorizing the government to reserve these mineral interests. I did so because under no circumstances could I find who the owner of the mineral interest was, the title of which had been reserved some fifty or seventy-five years ago and which had long since been passed to numerous heirs.

We also ran across another technical difficulty, because it appeared that the state of Georgia had never passed a law authorizing condemnation to be brought in the federal courts. Mr. Henley (Carter Tate's assistant) insisted that when we brought a suit in the United States District Court in Atlanta following the procedure outlined in the statutes of the state of Georgia, we had no authority for going into court. Henley insisted that all our acts were null and void. I had a bitter fight with Henley but finally convinced Judge Newman that our proceedings were valid. No adverse claims ever have been presented since that time.

The proceedings for condemnation in the state of Georgia were not court proceedings at all. Any person or corporation entitled to the right of eminent domain was authorized to notify in writing the person whose prop-

erty he undertook to take that he had appointed so-and-so as his representative. Further, the landowner must within ten days appoint his representative. These two were then authorized to get together and appoint a third representative, whereupon these three representatives were directed to go upon the land and appraise its value, in writing. The only legal proceedings authorized by the condemnation statutes of Georgia were that when these three appraisers made their report, it was directed that this written report should be filed with the clerk of the superior court and entered by him on the minutes of the court. When the superior court judge entered his approval of this report and the sum provided was paid by the claimant, the land title then passed to the person or corporation exercising the right of eminent domain.

Mr. Jennings and I followed these proceedings exactly, except instead of doing them outside of court and merely notifying the claimants, we filed a suit in court that set forth the reason for the condemnation proceedings and asked that the judge appoint our representative under the condemnation. We asked also that he likewise appoint the other appraiser and that those two be authorized to appoint a third representative, which he confirmed. These three appraisers then were directed to go upon the land, examine each one of the 232 parcels, and make their report to the court as to the value of the land.

Mr. Henley, who was a very good lawyer, took the position that under no circumstances did the laws of Georgia authorize us to appear before the federal court and take the proceedings that we had taken. Mr. Hooper Alexander, who was one of the best lawyers in Georgia and succeeded Mr. Carter Tate as United States attorney, took Mr. Henley's view. He later refused to undertake the condemnation of any more lands in the state of Georgia until the legislature had passed an act authorizing this sort of proceeding. So I went to the legislature in Atlanta and registered myself as a lobbyist. I got a young legislator from Savannah to introduce the bill that Mr. Hooper Alexander had drawn, and we succeeded in getting the legislature to pass it. That law now exists.

In the more than twenty-five years that have elapsed since our proceedings took place before Judge Newman, none of the lands that the government acquired under our condemnation ever have been lost. Neither

has the title the government acquired under those proceedings ever been brought into question, so far as I know. Certainly, this is merely an academic question now, as the government has maintained possession of this land by its forest rangers and fire wardens for many years under the color of title that it obtained in the court proceedings. The title has long since ripened into prescription by possession.

FIFTEEN

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Eminent Domain

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Some of the incidents that occurred during the time that these acts of eminent domain were being carried out are worth relating. One of the most dramatic of these incidents occurred in the fall of 1912. On my usual trips to visit these lands, I made it a habit to board with Joe Painter. His wife was an excellent cook and usually kept a fair bed and a clean place to stay. I knew that Joe was a notorious moonshiner, but he seemed to be a very clever fellow, pleasant and agreeable. It never entered my mind that he would get into serious trouble, because he was a naturally timid and cautious man.

Joe's house was located on Rock Creek, near the middle of the tract. His nearest neighbor across the mountain was a man named Moultry Hughes, whose reputation as a notorious reporter and a spy for the revenue officers was widespread throughout the country. The government paid Hughes ten dollars for each still he reported. He was, therefore, a mortal foe to Joe Painter and his like.

Joe furnished the corn and malt to make the liquor, while his three young brothers actually did the work. After each run the still was removed from its furnace and hidden away, to be placed in another location for the next run. There was a constant game between Moultry Hughes to locate the still and Joe Painter and his three brothers to keep it concealed.

One morning at about two or three o'clock, the revenue officers who had been watching these men manufacture liquor for several hours dashed

into the still house, which was only a little rough shelter of branches, and caught two of these Painter boys. They brought the boys down to Joe's house and, very much to his alarm, arrested him also. The three were then put into carriages and started on their way down to the county seat at Blue Ridge, Georgia, where they would be arraigned before the United States commissioner. However, before arriving at Blue Ridge the revenue officers decided that they would not have sufficient evidence to hold Joe and turned him loose to get back home in the best way he could. That meant he had to walk twelve or fifteen miles. He had not proceeded far before he was joined by Will Wright and Frank Rudicil, two outlaws who had been in the Blue Ridge jail but that night had escaped from the jail and had started back to their home in the same neighborhood where Joe lived. On their way they had obtained a quart bottle of whiskey, which they divided with Joe. All three proceeded on their return journey pretty well loaded.

When they arrived at Joe Painter's house for breakfast, he furnished them with additional liquor. They continued with their orgy, discussing the villainy of Moultry Hughes, whom they strongly suspected of being the one who had turned up their stills. They finally got so mad they decided they would go over to Moultry Hughes's house and kill him. Then he would not be telling on any more stills.

At this Joe lost his nerve and tried to dissuade the other fellows but was forced to give them a shotgun. Astutely, he slipped into the adjoining room and got a gun that was broken and would not shoot. Armed with this, they started over the trail to Moultry Hughes's house. On the way they had to pass the house of one Thomason, whose attractive daughter was being courted by Harley Baliles, another outlaw who had for months been lying out in the woods on the head of Rock Creek. It so happened that that very night this fellow had come down to visit the Thomason girl. He had brought his Winchester rifle and a loaded pistol, both of which he laid upon the table in the kitchen, where he and the girl were engaged in their amorous affair.

The two men looked in the window and saw these weapons. They broke into the house and seized them before either the boy or girl could resist. They tried to get the boy to go with them across the mountain to punish Moultry Hughes for his villainy. The Thomason girl and Harley Baliles fol-

lowed Wright and Rudicil, trying to recover the gun and pistol. They were joined by Joe Painter, so that the next morning after the crime had been committed, the revenue officers found footprints of five people at the stile leading to Moultry Hughes's house. The officers arrested the Thomason girl, her sweetheart, and Joe Painter on charges of conspiracy, as well as the two who were directly involved in the killing. They were all kept in jail in Atlanta for many months.

Wright and Rudicil, very drunk, had pursued their nefarious purpose. They arrived at Moultry Hughes's house and called him out, and Hughes very foolishly obeyed the summons. As soon as he stepped out of the house, both Wright and Rudicil attacked him and shot him to death. His wife was a young and spunky girl, and she seized the iron poker that stood by the fireplace and, with a baby clasped in her left arm, rushed out to her husband's assistance. She struck at one of the men with the poker, and he whirled and hit her with the butt end of his gun. The blow struck the baby and crushed its skull. The girl ran back into the house, where four or five other little children were crouching in fear, closed the door, and stayed there. After about ten o'clock the next morning, she sent her seven-year-old boy across the mountain to a neighbor to report the crime that had been committed.

A great alarm was raised, and search was made for Wright and Rudicil. These fellows had fled to the mountains. Rudicil was never heard of in that country again, and two hypotheses were given as to his disappearance. One was that his parents had furnished him with enough money to flee to Montana and that the balance of his life was spent there. Another hypothesis was that Wright had killed him after a quarrel and had burned his body in the furnace of the still. This was a favorite way the mountaineers had of disposing of their enemies, particularly when they were involved in dealings about whiskey.

Wright's wife, Parmalee, was on starvation and had no place to stay. She came to me and asked for permission to stay in one of my vacant farmhouses, as winter was coming on, and her children would be exposed to the blasts of the cold wind. I gave her permission to stay in one of these houses, close to where Moultry Hughes had formerly lived.

After several months of camping in the woods, Wright found it conve-

nient to seek shelter and crept down to his wife's place. However, the whole country had been very much wrought up over the murder of Hughes and the infant. Watchful eyes noted his approach to the house, and the federal officers were informed. These officers were very vindictive about any crime that arose out of their attempts to destroy illicit stills. Secretly, they surrounded Parmalee Wright's house. As the story was told to me later by a deputy marshal, when they closed in on Wright they found him in bed asleep. As soon as the alarm was given he jumped from the bed and seized his gun, which one of the officers tore out of his hand. All of the officers piled upon him, desperately attempting to subdue him. The deputy marshal said he never had such a fight in his life as he had with this fellow Wright. In the end Wright would have gotten the best of them all, except that the deputy marshal saw a stick of stovewood and seized it to knock Wright unconscious.

He immediately was handcuffed and taken down to Blue Ridge, where he was tried for the murder of the child and sentenced to be hanged. His sentence was commuted to life imprisonment by Governor John M. Slaton, who had just commuted the death sentence of Leo Frank.[1] These two acts appeared to be so unpopular that the governor was actually driven from public life.

Joe Painter was so badly frightened that he sold me his little farm and a pair of mules and turned the proceeds over to a lawyer to defend him against the charge of murder. I made every effort to get Joe out of jail and frequently visited the Thomason girl and Harley Baliles in the Atlanta jail in an effort to get them to exonerate Joe Painter. But Judge Newman, who was a very good friend of mine, and Mr. Carter Tate, the United States attorney who prosecuted Wright and held these others under conspiracy charges, were firmly convinced that the whole thing had been concocted in Joe's house. I never got any relief for him. He was kept in jail more than six months, never brought to trial, and finally released. Joe had become completely impoverished by paying his lawyer's fees and other expenses, and I think he was very thoroughly broken of illicit distilling. Though he had been successful for many years as a moonshiner, this final case was his nemesis. He lost all he had made in his previous unlawful career.

It took me more than a year to make up the abstracts of the several

hundred parcels of land in this transaction that involved eminent domain. I was interrupted by frequent trips to Washington to straighten out the different tangles that arose in connection with the titles. One of the most interesting of these visits was the first one.

I appeared before the National Forest Reservation Commission, into whose care the approval of these land purchases under the Weeks Act had been committed. This Forest Reservation Commission consisted of the secretary of war, who was Mr. Henry L. Stimson; the secretary of agriculture, Mr. J. M. Wilson; Secretary of the Interior Ballinger; and two senators and two members of the House of Representatives. One of the latter was Mr. Gordon Lee, whose district was in the northwest corner of Georgia and whose name is familiar to most readers of the history of the Civil War's Battle of Chickamauga, where Lee and Gordon's mill was the center of the conflict.

I was quizzed minutely as to the character of the land that we were offering and that the Agriculture Department had recommended for purchase. They deemed it necessary to show signs of close trading by cutting my price from $7.00 per acre to $6.66. I got very indignant, because Mr. Stimson, the chairman of the commission, asked me what the land had cost me. I was so outraged that I told Mr. Stimson it was none of the commission's business. If they thought the land was not worth the money, they could turn it down. The question of the purchase price did not enter into the matter at all.

Mr. Stimson explained that the matter probably would be investigated and looked into by Congress. If I was making an unreasonable profit, they probably would be criticized very strongly by enemies of the administration.[2] I learned at this time that the right and wrong of a question do not enter into its political significance. Attacks upon your political enemies are made simply because the attack looks good, not because it is good. Further, the question of right or wrong does not enter into any political argument; it is merely a question of whether you can make your enemy appear to be wrong.

Just prior to this time I had visited the city of New York. I stayed there at a boarding house for three weeks trying to straighten out complications arising from the rejection of some lumber that we had shipped. Several cars

of this lumber were being carried back and forth across the North River on the train ferries that took them at the end of the B & O or Pennsylvania Railroad to the Long Island Railroad or the New York, New Haven and Hartford Railroad at its terminals on the East River.

I went down to see one of these cars that was reported to us by the consignee as being half culls, though we had shipped it as a straight car of common.[3] The young man who was in charge of the ferry asked me why these fellows had rejected all this lumber. I answered that the consignee had telegraphed us, saying, "Your car of common is half culls and therefore is rejected." The young man said, "The seal has never been broken on that car, so I don't see how he knows the lumber is half culls unless he imagined it." It was this sort of difficulty that I had to straighten up, and in New York and Boston there were altogether more than twenty cars rejected. We suffered a loss of around three thousand dollars. This was overwhelming to young lumbermen whose setup was more or less dubious and who anticipated perhaps eventually a complete breakdown of all their plans and ambitions.

While I was in the very midst of this depression I received a telegram from Nat, saying, "Old Mandy is dead." Old Mandy was a favorite mule. She was one of the most intelligent, docile, and efficient animals it has ever been my pleasure to own. When this telegram came on top of all my other troubles, I almost broke down and wept. It was one of the worst lickings fate has ever dealt me. The old poem that always ends in the clause that "fate will give you many a licking that you don't deserve" was fully exemplified in this tragic situation.

The National Forest Reservation Commission finally approved the recommendation of the Agriculture Department and authorized the purchase of the land at $6.66 an acre. The land was condemned and acquired by the government. During the course of the condemnation trial, more than fifteen hundred defendants were summoned into court and invited to take a shot at trying to get the purchase price. I had paid out many thousands of dollars in defeating fictitious titles and claims. One man in Atlanta, Charles J. Haden, was a very shrewd lawyer and sent a man around throughout the state of Georgia, where in 1836 land had been granted to old Revolutionary War soldiers and their wives and children. Wherever he could find a person

bearing the same name, regardless of whether any connection could be established between the grantee and the person holding that name, he had this man appointed administrator under the laws of Georgia. The administrator then proceeded to get authorization from the ordinary of the county to sell the land at a private sale as "wild" land. Then Haden and his agents bought the title from the administrator for a nominal sum. When he presented the title in court, I was unable to attack it for fraud or for any other purpose, because the administration law of Georgia prohibited any attack except by heirs. I finally settled with Haden for more than three thousand dollars, but for over a year he kept me in a constant state of worry and anxiety as to how many of these bogus titles there were and how much trouble he could give me.

Another class of our titles was held under tax sales made in 1874 by the old comptroller general. The law provided that before these lands could be sold they were required to be advertised in a newspaper published in Atlanta. This proceeding was a question of political graft for the newspapers. Haden found that in some of these cases, the comptroller had advertised for two weeks in a daily paper and for two weeks in a weekly paper. He presented to the court photostatic copies of these old advertisements. In spite of the fact that these comptroller general tax titles were twice passed upon under a different set of facts in the supreme court for the state of Georgia and had been held entirely valid, the supreme court decided that these titles now were illegal.

In addition to the difficulties I had with Charles J. Haden, other parties put in claims on more than thirty lots of land. I had some knock-down and drag-out lawsuits to sustain our interest. Parties from as far away as Portland, Oregon, attempted to get some of the money that had been paid into court for us. Young John Wood, who at that time was a protégé of Colonel Tate and who afterward became congressman from that district, was appointed by the court as guardian ad litem.[4] He made a remark, which got back to me, that there would be "some mighty good pickin's for somebody in these lawsuits." This greatly alarmed me, because I knew John was a very good lawyer, and I was afraid he might stir up a good deal of trouble. However, I think some influence was brought to bear on him so that he did not make any trouble for us.

It took more than two years of hard work and great anxiety to get the money that was rightfully mine for the lands that we sold the government. The money was paid into court as soon as the appraisers went onto the land, but the money was not paid to us except in small units over a long period of time. I made an application to the judge that the money should be deposited only in a bank that would agree to pay us interest on these time deposits, which I knew would have to lie for several months, perhaps years, before I could recover the money.

When I went down to the bank in Atlanta with the order from the judge and demanded that they put these sums on time deposits, the president of the bank was enraged and told me that a bank did not pay interest, it charged interest. I told him he would certainly have to allow me the usual time deposit rate if he kept any of my money in his bank. I collected a considerable amount of interest on the $217,000 that was held for us by the court.

During the process of condemning these lands there was one very pleasant interlude. It was necessary to appoint three appraisers whose duty it was to go upon each individual lot and appraise its value so that the total amount should come out to the value that the National Forest Reservation Commission had agreed with me should be the total purchase price. These appraisers had to go onto each individual tract. As there were more than 232 separate tracts to be appraised, that meant a considerable amount of time and travel over these mountains.

It was my desire that the hardships of the job might be reduced to as low a point as possible. Therefore, I made careful preparations for taking care of the appraisers and their associates and for making sure that they examined every separate tract of land. I rented a wall tent and hired a colored man from Atlanta as cook. I laid in a full supply of eatables and picked out a place on Coonrod Long's farm, on a little stream known as Long Creek. This was a beautifully grassed meadow in a little clump of fine timber where there was an ample supply of shade and a little spring coming out from under a rock ledge and flowing off through a bed of mint.

I got a sufficient supply of army cots and blankets so that each one of the appraisers, the guardian ad litem, Mr. John Wood, Colonel Tate, Mr. Jennings, and myself were all comfortably bedded down. My cook was

an excellent one, and I arranged with the neighbors to cut me a sufficient supply of wood and stack it up to dry behind my tent. All of these men brought their own horses, and I had a sufficient amount of feed hauled into the country and rough feed troughs made so that there was a manger for each horse. I also had a huge, dead chestnut log hauled up and a lot of old fence rails that furnished lots of light when a fire was built against the back log of the old chestnut. None of these men had ever camped out, and this arrangement was perfectly comfortable and gave them the thrill of their lives.

One night we were sitting before our tent in the bright light of our campfire, gossiping and joking. I was probably doing more than my share, and I told a very long winded story. After I had told another story, a blunt man named Arthur Lindsay looked at me and remarked, "Well, Gennett, if that girl got away from you it wasn't on account of one thing—it wasn't for want of lip." This humorous remark followed me for several years (and is still a source of amusement to my wife and her family).

I planned our camping trip so that we knew where we would be at each noontime, and our cook was instructed to bring a hot lunch to the appointed place each day. My appraisers enjoyed this outing, which lasted for about three weeks. I know I did, even though I had been accustomed to this method of living through numerous timber cruises and camps in previous days.

It appeared that in the immediate neighborhood of our camp there was an illicit still, though I did not know of its existence, nor did any other members of my party. However, Colonel Tate, the U.S. attorney, subsequently was criticized for protecting this illicit still, of which he knew nothing. When the condemnation was completed and the government undertook to survey the various lines and mark them with red paint, one of the young foresters named Mr. E. V. Clark was designated to do this work. I sent my bookkeeper, Frank Dillard, to assist him in surveying the lands and to represent me in any controversy that might arise with the neighbors. The camp outfit that the appraisers had used was turned over to Mr. Clark and Mr. Dillard, and they spent the entire fall and winter in surveying and marking the boundaries of this thirty-two-thousand-acre tract.

I was present one night when the semiweekly newspaper arrived con-

taining a harrowing account of the sinking of the *Titanic*. The story was only half-completed, and we looked forward with intense anxiety and distress to the rest of the description of this terrible catastrophe, which was postponed for more than three days. I don't think any of us slept very much during the interim. Nothing that ever happened even during the World War seemed to me to convey the same dramatic terror of fearful intensity that that episode did. The last incident that occurred before the final disappearance of the ship was the lost passengers singing the hymn "Rock of Ages." The lights had gone out, and the passengers stood on the upper deck awaiting the end, which they knew to be inevitable. All of them seemed to face this bitter death with heroism and strength. We who read about it in the far backwoods of Fannin County, many miles from the nearest habitation, were tremendously impressed with the vision of what happened on that black night.

One of the most interesting lawsuits arising out of all this land condemnation was one that I had with Mrs. C. M. Felton. Mrs. Felton afterward was appointed the first woman United States senator to serve in Congress. She was a brilliant woman but knew nothing about legal procedure. Strong-minded and resolute, she had gotten it firmly fixed in her mind that I was a land shark trying to rob her of land she was rightly entitled to. Sixty or seventy years before this condemnation suit, her father was the grantee of one lot of 160 acres. Finally, he had decided that the land was worthless and it was a burden to pay taxes on it. The land was sold at a tax sale in 1884 by the sheriff of Fannin County, twenty-five years prior to the time I appeared on the scene.

When I came into Fannin County, this tract had about twelve acres of cleared land and a little, one-room log cabin on it that was occupied by an old mountain widow, along with five or six children. They lived in the utmost poverty. The widow offered to sell me this tract of land, which was given to her by her father as a wedding present twenty-seven years previously and on which she had lived ever since to raise her numerous family. I agreed to sell the land along with mine if possible, charging her a commission of one dollar per acre for the trouble of writing the abstracts, having the land surveyed, and effecting sale to the government.

All these facts were presented to the court, but Mrs. Felton would have

none of them. I was stealing land that belonged to her, and she was very harsh in her arraignment of my conduct. She took the case out of her lawyer's hands, paid no attention to the judge, and made a vigorous and effective speech in which she outlined the prominence of her family in Georgia history. She presented the fact that her husband had been a leader in the Reconstruction days and the fact that she herself was prominent in all the political affairs of the state. In spite of my numerous objections, she also rode me down so that I never got to put in a word. I am sure she ultimately would have convinced the jury that I was a rascal and would have had the land taken away from me.

I sent a telegram to one of my friends at Blue Ridge who went up into the mountains and brought in the old widow and one or two of the children. On the last day of the trial I put the widow on the witness stand to prove I was making only one dollar an acre for services to her and that she had been living on the land under color of title for more than twenty-five years. Judge Newman motioned for me to keep quiet and let Mrs. Felton express herself fully. Then he directed the jury to bring in a verdict for me, very much to her chagrin and rage. This was one of the most colorful lawsuits in which I have ever been engaged. A few months afterward, Mrs. Felton's political and social character was acknowledged by an appointment to the United States Senate, where she served only one day but had the honor of being the first woman ever to appear in the Senate of the United States.

SIXTEEN

Marriage to Julia Bell Tate

During my work in Atlanta I met the assistant United States attorney, who was Mr. Carter Tate's son, Howard Tate. Howard and I immediately struck up a close friendship. Along in October 1912 he invited me to visit him in his home at Jasper, Georgia. We were sitting in the hall when his youngest sister, Julia Bell, stepped out of the dining room. She was about twenty years of age, and I was nearing thirty-seven. She was a rather stout girl, but she had a springy walk and a confident and well-balanced stride that immediately impressed upon me the fact that along with her beauty, she had a splendid mind and a firm, positive character. I decided immediately that if by any chance I could win her good graces, she was the girl for me.

Subsequently, I met Julia in Atlanta, where she was keeping house for her father in an apartment that he owned. She and I, both being lovers of vaudeville, frequently attended the theater together, and I paid my court on all occasions. That winter she accompanied her mother to Florida, and we corresponded frequently. When spring approached, I found myself able to get away from my business, and I went to Palatka for the purpose of seeing Julia. I don't think I had made a very favorable impression up to that time, but Mrs. Tate was my friend and helped to advance my case. After Julia and I were married, I used to tease her by telling that when I visited her in Palatka, she changed her dress four times in one day, showing herself

off in each case to the very best advantage. She always did dress beautifully, and she certainly looked well in my eyes on that trip.

When Julia returned to Atlanta in the spring, suddenly she was attacked with a severe pain in the back and down the right leg. Her father put her in a hospital, where most of my courting was done, and she remained there for nearly eleven months while the doctors did everything they possibly could do for the terrible pain that she suffered. Subsequently, when we were living in Asheville, and Julia was passing the X-ray office of Dr. John MacRae, she felt a pain in her foot. Julia went into the office to see if the pain could be located. Dr. MacRae found embedded in the ball of her foot a piece of a large needle. After the piece of needle was removed, the pain Julia had suffered for around seven years was completely dissipated.

Several incidents confirmed me in my assurance that Julia was a very desirable and very superior young lady. She attended school at Mary Baldwin College at Staunton, Virginia, and was well educated. She had a poise and directness that I have never met with in any other person. I remember that at one of the football games that we attended in the first autumn of our acquaintance, she was attired in a beautiful brown velvet dress, absolutely new and in the latest style. We climbed up on the old wooden seats of the stadium and sat down. Julia, in the excitement of the game, undertook to arise from her seat, where she found that she had been sitting on a huge wad of chewing gum that stuck to her dress and at the same time stuck to the seat. She stretched the gum in the sight of all the young people around. A great roar of derision went up from the crowd. This was enough to embarrass any girl, but Julia met it with so much poise and so much good nature that she carried the whole affair off perfectly. I was much struck with the poise, good humor, and common sense with which she met this embarrassing situation. I have always found that from that day to this, she has met every situation with the same degree of common sense and sound judgment.

One night when we attended a show, we had started down the aisle late, and one of the actors made some wisecrack about a fat girl. Julia was inclined to be plump, and the audience immediately raised a howl of delight at the aptness of the coincidence of our entrance. This situation, which would have been embarrassing to most other young persons, was met by

her with perfect good humor and increased my respect for her judgment and presence of mind.

During our wedded life, Julia used to make fun of me. She said I never would have proposed except for the fact that at a house party we attended, a young man of about nineteen or twenty years old paid violent court to her, and I grew so jealous I could not postpone popping the question any longer. These amenities of married life are usual between real lovers, and Julia and I certainly have been very devoted during the twenty-five years that have elapsed since our wedding day.

We were married on the tenth day of June, 1914. I think it was the hottest day that was ever known in the history of Georgia. The night before the wedding, Julia had a delightful bachelor's dinner for her men attendants. She had several beautiful bridesmaids, most of them schoolmates. She tells with great glee the story that on the wedding morning I was up at 6 A.M. gathering red raspberries from the garden and that I spent most of the morning hours eating the raspberries and reading Tennyson's poetry.

My brother, Nat, who acted as best man at the wedding, was not very familiar with the duties of his office; he failed to get our marriage license. When I found out, I went to the courthouse to see the ordinary who issued licenses. He was not in his office, and I learned that he was just on the eve of leaving town. I rushed down to the depot and caught him just as the train was pulling out. I dumped him off the train and had him issue our marriage license, otherwise there would have been no wedding that day for Julia and me.

That evening, the wedding party returned to Atlanta on our private car. At eight o'clock that night Julia and I left on a wedding trip, stopping first at Washington, D.C. We registered at the new Willard Hotel in Washington. Next morning for breakfast we ordered a dish of new strawberries and some wheat cakes. The cuisine at the Willard evidently was very poor, for the strawberries were green and sour and the cakes were nothing much to speak of.

We hired one of the old fashioned horse-drawn carriages and drove around the streets of Washington, for these were the horse and buggy days. After three or four days spent in Washington, we continued our trip to New York and from there to points north. Our entire trip occupied a schedule of about six weeks.

We finally returned on the first day of August to our home at Franklin, North Carolina, just in time to receive news of the opening guns of the World War. We rented a cottage from Dr. Lyle to which I added two rooms, and we found ourselves very comfortably located. The next year I built a bungalow that Julia and I occupied for the remaining six years of our stay in Franklin. While the little town of Franklin was exceedingly crude compared to what we had been enjoying, I think Julia found her life there very pleasant. She quickly made friends, and for her, the town was full of pleasant people.

Soon after we returned from our honeymoon Julia went to Marietta, Georgia, where she bought a new Ford car. She drove the car with her cousin Robert Holland through the country to Franklin. She had one of the first cars in Macon County, and this drive was a considerable journey in those days because the roads still were almost impassable. At Tallulah Falls, Robert took a wrong turn and found himself one thousand feet under the plateau on which the road traveled, down at the mouth of Tallulah River. The way out of the gulch was too steep for the Ford to negotiate alone, so Julia had to extricate her car by hiring a team of mules and a yoke of steers. I was alarmed by Julia's failure to arrive at Franklin on the evening she was expected. The next day I went down to Tallulah Falls on the train and met her and Robert on their way out of the gulch and drove them to Franklin.

We had many interesting incidents during our six years in Franklin. I don't know whether I would have left there except for the fact that in 1919 we bought some timber over in Tennessee, and I had to make frequent trips there on business. At that time, the only road from Franklin led across the high mountains. To catch the train at Dillsboro, I had to leave home at four o'clock in the morning. It took nearly six hours to make the trip to the station, and it was one of the most exhausting and difficult trips imaginable.

The last time I crossed the mountains I was with one of our lumber inspectors. We hired a buggy from Tom Angel's livery stable and started out to make this trip on a bitterly cold morning. The road was muddy, and the horses could barely travel at a walk. We had one lantern under the buggy robe and the other hitched to the buggy pole so that the horses could see where they were going. About two miles out of Franklin we had to cross a little bridge at an angle. The horses cut the corner too close, so close that the right wheels of the buggy came within an ace of missing the bridge. We

could have found ourselves upside down after a fall of ten or fifteen feet into the gully of the creek. This episode so startled me that I made up my mind that never again would I cross that mountain if it could be avoided. In the spring of 1920 we moved to Asheville, North Carolina.

I have been very devoted to my wife during the twenty-five years of our married life and have been proud of her executive ability and the skillful way in which she manages everything about the family affairs, and the gallant generosity of her nature. I was not only glad to be taken into the family but also very proud of the record that her family held.

Julia's father's grandfather Captain Samuel Tate was one of the first settlers in the Cherokee lands of north Georgia, where he acquired a large area of very fine farming land on Long Swamp Creek. The spot upon which his inn originally stood is now occupied by the marble palace of his grandson Sam Tate, who was president of the Georgia Marble Company. Captain Samuel Tate settled on Long Swamp Creek more than a hundred years ago and was in antebellum times one of the leaders of the community. He was a strong Southern sympathizer, and when the War Between the States began, he immediately raised a company and went off to fight in Virginia. He was at the time past sixty years of age and exempt from any military service. He underwent all the hardships of camp life and was present at many of the first battles of the Virginia campaign. Finally, his health broke down, and he was discharged from service.

Julia's grandfather Major William Tate commanded a battalion of Georgia state troops during the last year of the Civil War. He was attached to Clayton's Alabama Brigade and was present at nearly all of the battles of the Atlanta campaign. After the Civil War he became clerk of the superior court of Pickens County and for many years was one of the political leaders of the community. He, in partnership with his brother Stephen Tate, discovered the Georgia marble and organized and developed it. Afterward Stephen Tate's son Samuel Tate II developed it as the Georgia Marble Company and into one of the most noted enterprises of the South.

Julia's father, Mr. Farish Carter Tate, graduated from the Agricultural School at Dahlonega and the University of Georgia Law School and entered politics at a very early age. He served in the Georgia legislature for ten or twelve years, both in the House of Representatives and in the state

Senate. He was very instrumental in putting through the Atlanta, Knoxville and Northern Railroad, which opened up the north Georgia territory for development. After his service in the state legislature he ran for prosecuting attorney of that district and was beaten by Mr. Frank Brown.

During the campaign Carter Tate gained so much publicity and was so well liked that at the next congressional election he was elected to Congress. He served there for more than twelve years. After Carter Tate was defeated, Theodore Roosevelt (then president of the United States) sent for him and said, "Carter, you are a man of good executive ability and absolute integrity, and the sort of man we want to keep in public life. What position can I give you?" Several political positions were considered, and finally Carter Tate was appointed United States attorney for the Northern District of Georgia by a Republican president, which he considered quite a compliment. Through Mr. Roosevelt's favor and good will, he was reappointed when President Taft was elected. He served eight years as United States attorney for this district under Republican presidents, though he himself was an ardent Democrat.

On Julia's mother's side, her mother's father was Colonel Hiram Parks Bell, who served in the legislature of Georgia before the Civil War and in the Secession Convention. He was colonel of the 43rd Georgia Regiment and was severely wounded at Black's Bayou near Vicksburg in the spring of 1863. He was discharged from the army for disability and in the fall of 1865 was elected to the Second Confederate Congress, where he served during the last two years of the Confederacy. Colonel Hiram Parks Bell was elected to the federal Congress, where he served several terms. It was Colonel Parks Bell's second daughter, Julia Bell, who became the wife of Carter Tate, the father of my wife, Julia Bell Tate.

I was very proud to become a member of a family that had for many generations been leaders of their community. I had nothing to recommend me except a lot of energy and industry and some experience and success in business. Howard was my friend from the beginning, and Colonel Tate approved of me because he liked the energy and industry with which I pursued my business affairs. Mrs. Tate also approved of me because she thought her daughter would be safe in my hands.

I am very much afraid that my training and temperament, which were

so totally different from that of the Tates, did not always retain for me the approval of my mother-in-law. I was raised in an atmosphere of penury and careful accounting of every cent. This did not make for generosity or lavish living but, on the contrary, exaggerated the sordidness of business transactions and the necessity of careful, detailed, and close accounting.

I was always a very ardent talker and probably did more than my share, which of course Mother Tate took notice of. Once on a trip, she met up with a person on the train who knew that her youngest daughter had just married. She said to her, "Mrs. Tate, I think I know your son-in-law. Is he a young man with dark hair and dark eyes?" Mrs. Tate said, "Well, that description would fit most any man. I don't know whether you know my son-in-law or not." She said, "Well, he talks a good deal." Mrs. Tate spoke up like a flash and said, "Oh, that's my son-in-law!"

When my oldest son was about to be born I made an agreement with Julia that if the child was a boy she could name him, but if it was a girl I reserved the right to name her myself. Of course, I was certain Julia would name the boy for me, so that I would win in either case. But when our oldest son finally appeared, my wife named him for her father, Carter Tate Gennett. He certainly was the pride and joy of her father during the last few years of his life. Carter Tate Gennett was born on June 24, 1915. We employed a young lady by the name of Johnson as our special nurse, and I am happy to record that when the great day came Julia's confinement was comparatively simple and that we enjoyed our first child with all the usual thrills fathers and mothers experience upon that occasion.

Before Julia and I were married, my brother, Nat, fell violently in love with Mrs. Nina Porter Mizner, the daughter of Robert L. Porter of Franklin. Mrs. Mizner had a lovely three-year-old daughter by her first marriage who served as the flower girl in our wedding. Nat came to have the same affection for this child as he had for his own son, who was born three years later. Her tragic death in an automobile accident in 1932 was an irredeemable loss to both Nat and Nina.

SEVENTEEN

Appalachian Logging Congress

It was at this time that Nat and I expanded our circular mill business to its utmost capacity. We purchased a good many tracts of land from the W. M. Ritter Lumber Company.[1] One of these transactions has always appeared to me to be amusing and more or less typical of us.

The Ritter Lumber Company sent their agent down from Columbus, Ohio, and he and Nat dickered over a boundary of timber on Poplar Cove, a few miles west of Franklin, North Carolina. Ritter's man wanted $10,000, and Nat offered him only $9,000. The agent returned and reported to Ritter, who, being a first-class businessman, telegraphed us he would accept our proposition of $9,000. In the meantime, we, being country businessmen, had written Ritter a letter in which we agreed to pay him the $10,000. But Ritter's telegram arrived before our letter reached him, and we telegraphed him to disregard our letter and that we accepted his proposition. This amused Ritter's attorney, Mr. Landon C. Bell, very much indeed. He always spoke of the incident as our "little thousand dollar joke on Mr. Ritter."

During the years from 1914 to 1920, we devoted our entire attention to the expansion of the circular mill business. We had a great number of mills located in Jackson County and Macon County, North Carolina; in Rabun County, Georgia; and in Oconee County, South Carolina. Look-

ing after these mills kept me always on the go, either on horseback or by buggy. We had not yet been promoted to the ease and swiftness of the automobile. But my health was good, and I was of tough and hardy fiber, so that I was able to work vigorously and continuously for great stretches of time.

It was during this period also that we became members of the Appalachian Logging Congress. This was an organization of the hardwood manufacturers of the Appalachian region extending from West Virginia to Georgia and of the machinists and machine dealers who catered to these sawmill men. I took a great interest in this work, particularly in obtaining comparisons of manufacturing costs and lumber selling prices from the various manufacturers.

The manufacture of lumber is largely a matter of allocating the different elements of cost and of finding out the average selling price from the various elements that go into making the selling values. For instance, costs consist first of the cost of the timber. This may be either the average cost of all the different kinds of timber that make up the forest or may be separated into the price of each individual kind of timber. These are matters of judgment and experience. A forest that consists of poplar, oak, ash, basswood, hickory, black gum, and various other kinds of wood may be bought at so much per thousand feet for the number 2 common and better poplar and so much per thousand for each of the other woods that constitute the forest.[2] The forest may be rough mountain land, or it may be comparatively smooth and easy-logging land, so that the cost of logging the timber may vary greatly from one section to another.

The third element of cost consists in the sawing and stacking of the lumber for the purpose of drying. The manufacturer must know what his sawing costs will likely be. These consist of the wages, the cost of upkeep of his machinery and supplies, and the depreciation of his original mill costs. Wages, being of course the largest element, may vary from time to time and from place to place, but the manufacturer of lumber must have had sufficient experience to know what will be the average of his sawing costs. During my experience, the price of common labor has ranged from $.60 per day to $3.50 per day. The loggers usually are paid a contract price, which may vary from $5.00 to $10.00 per thousand. The sawyer, who is

usually about the highest priced man around the mill, was paid $8.00 per day. The saw-filer was paid $7.00 per day during the 1920s, when we were operating band mills.

When a person manufactured the lumber, the only thing that really counted with him was the average cost, which he must arrive at after taking into consideration all these varying elements of cost, including inspection, loading, and overhead. The selling price is made up of the price of numerous kinds of lumber, numerous grades of the different kinds, and numerous thicknesses.[3] For instance, at the present time number 2-B common oak lumber is averaging $15 to $18 per thousand. Number 2-B common poplar is averaging a dollar or two per thousand more. Number 1 common is averaging about $30 per thousand at the mill. Firsts and seconds oak and poplar are running about $60 per thousand. In addition, there are other kinds of woods that constitute the forest. All of these vary in price, and every kind of lumber is manufactured into varying thicknesses running from 5/8 inch to 3 and 4 inches. These thicknesses all bear different prices and have to be taken into consideration when arriving at the average selling price of the lumber that a forest produces.

It can be seen from the difficulties of calculating production costs and selling prices how difficult it is to allocate and determine all of these elements of value. As a matter of fact, only the experienced forester and the experienced lumberman can guess close enough so as to be within reasonable striking distance of these values. I studied these facts both in circular mills and in band mills, which do not rest upon the same conditions. The band mill cuts less sawdust in the saw kerf than the circular mill, so that the number of board feet derived from a given log cut on a band mill is some 7 or 8 percent greater than the same log cut on a circular mill.[4] All of this requires close calculation and long experience. The logging cost also differs between band and circular mills. Also, in a band mill the logs are carried to the mill, while circular mills are carried to the logs.

I rather prided myself on the skill that Nat and I developed in making these calculations. For example, I cruised a tract of timber on Jones's Prong (a branch of the Cartoogejay River in Macon County) consisting of two thousand acres. My final estimate of the number of board feet to be derived from that timber, cut in the usual manner on a circular mill, was 8,000,000

feet. Subsequently, when the timber was cut it produced 8,020,000 feet, which I considered close enough.

There are still other elements of uncertainty that enter into the production of lumber, such as the overhead costs. These consist of workmen's compensation insurance, Social Security taxes, state and county taxes, fire insurance, office salaries, and other items of less importance.

After Nat and I entered into the band mill business we purchased a boundary of timber on Stoney Fork Creek, a branch of the South Fork of the Cumberland River. This tract contained about twenty million feet, for which we paid a very high price. I calculated the cost of this timber after being converted into lumber and arrived at a figure of $40.00 per thousand feet. Owing to the fact that we could not sell the lumber as fast as I manufactured it, I had to shut the mill down. This was a very disorganizing process, and during the first year of our operation, the actual cost of $40.50 per thousand feet was the result at the end of the year. I figured the average selling price of all the lumber that would be produced from that forest at $48.00 per thousand. The actual selling price averaged $48.50. My calculation and estimation of profit were exactly right. This operation lasted from 1926 to 1931, when we finished sawing. The average cost remained practically the same throughout the operation except after October 1929, when the great panic began.[5]

I shut the mill down early in the fall of 1930. All of the men were thrown out of their jobs just as the winter began. I had a proposition in mind that I made to them. If they would accept a cut of 20 percent in their wage scale (which constituted the greatest part of our costs), I would borrow forty thousand dollars from my bank and continue the operation throughout the winter. They could stop work in the spring in time for the making of crops, as most of the men were farmers as well as woodsmen. This was the only variation from the costs that I had figured at the beginning. However, the selling price fell off greatly during the latter part of the job. The 20 percent reduction in wages, which the men cheerfully accepted, was more than offset by the huge decline in selling price that has continued from that day to this.

The lumber industry is one of the most hazardous and least organized of all the industries. Profits vary greatly. During the boom from 1922 to

1929, most lumbermen were prosperous. They perhaps received greater profits than was consistent with the humanitarian principles that have been adopted since the panic began. But since the great slump of 1929, very few lumbermen or lumber manufacturers have been able to conduct their businesses with reasonable success. At the present time, the hazards of the industry have greatly increased while the profits grow continuously smaller and smaller. This is partly due to the methods that have been developed by the administration for taxation.[6] I believe these methods are not merely for the purpose of raising revenue but also are for the purposes of distributing wealth and punishing industry for alleged misdeeds.

In my judgment, the great failure of the administration was in not accepting the necessity of recovery as being of paramount importance over the necessity of reform. The economists who dictated the New Deal policies seemed to feel that reform could only be brought about when people have been taught through suffering that reform was absolutely necessary, and that just as soon as recovery was sufficiently advanced no reform could be brought about. Mr. Roosevelt has felt so strongly that reforms were necessary to prevent revolution that he has permitted recovery to go by the board. Although he has made numerous efforts to bring about recovery, all of these seem to me to have been based on experiment and unorthodox financing. Mr. Roosevelt has, with great stubbornness and resolution, insisted that the business interests of the country have been to blame for the failure of the various recovery programs.

It seems to me as a businessman that the great mistake of Mr. Roosevelt has been his failure to recognize the fact that without the cooperation of business, no recovery can be possible. Further, the country has been so obsessed with the idea of increasing buying power that it has thoroughly overlooked the necessity of reducing the cost of production and increasing the quantity. I have always thought that if businessmen had been permitted to reduce wages so that the cost of production could have been correspondingly reduced, the increase of consumption could have automatically brought about a resumption of high wages.

Illustrating the foregoing theory, I can personally state that the highest wages paid by my concern during the 1920s were when my business was most prosperous. The common wages reached an average of $3.50 per

day, and practically every man on my job was the owner of his own automobile. Since the New Deal experiments, it has appeared to me that neither the employees nor the bosses have had any prosperity whatever. On the contrary, they have constantly been in jeopardy of either losing their jobs or losing their businesses. So far as I now see, there is very little chance to change the policies of this administration. Nor do I see any chance of changing the administration itself. Mr. Roosevelt's popularity is unabated, and I feel quite sure that he will be a candidate for a third term and probably will be elected in the year 1940.

To return to the Appalachian Logging Congress. I derived a great deal of pleasure from my contacts with other lumbermen and from my studies of their operations. I attended all the meetings assiduously and finally was elected president of this organization. Our meetings were held at the Battery Park Hotel in Asheville. During my presidency, I created a great innovation by having all the lumbermen bring their wives to the meeting. This was partly on account of the fact that I was thoroughly disgusted with the orgies that these men indulged in when they got into a city after months of isolation in the woods doing difficult and dangerous work.

When I became president of the organization, I resolved that the meeting should be one of study and labor and not a drinking bout. At the banquet on the last night I employed as speakers a professor from Antioch College in Ohio and another from Clemson College in South Carolina. These speakers proved to be extremely witty and interesting talkers. I don't think the Logging Congress missed its alcoholic revelry very much, as I received numerous compliments on the entertainment that I provided.

The Appalachian Logging Congress subsequently was amalgamated and absorbed by the National Lumber Manufacturers Association, the membership of which included all the lumber manufacturers of the South. Different manufacturers endeavored to organize the business and give it some stability by exchanging information as to the selling prices for the different grades and kinds of lumber. Unfortunately, the attorney general of the United States took the position that this was a breach of the Sherman Monopoly Act.[7] Therefore, he employed Mr. James A. Fowler, former Republican candidate for governor of the state of Tennessee, who brought suit against the 350 manufacturers. He obtained a judgment enjoining us

from exchanging this information and practically broke up the lumbermen's organization.

The ruling case in this class of suit was *United States vs. American Box & Lumber Company* and others. Just a few days ago I read a very interesting article by the assistant United States attorney, Mr. Herman Olephant, on the constitutional grounds upon which this judgment was based. Though I probably have been prejudiced, I never have felt that the lumbermen were actually forcing the price of lumber up by exchanging information as to what prices they were getting but in some cases were forcing them down. Yet the Supreme Court of the United States took a different view from mine. We were all assessed and heavily fined and enjoined from continuing. The attorney general's office subsequently lifted the fines, but the injunctions were continued, so that every effort that was made to organize and stabilize the lumber industry failed completely.

EIGHTEEN

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Interesting Experiences While Cruising Timber

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It was during this period of time when cruising timber for the circular mill jobs that I had some of my most interesting mountain experiences. In the year 1917 we were negotiating with W. M. Ritter Lumber Company for twenty-two hundred acres of timber at the head of Betty's Creek on the dividing line between North Carolina and Georgia. It became necessary for me to cruise these twenty-two hundred acres during the last week of July. Cruising in the summer is usually a rather unpleasant and difficult job. The heavy growth of timber and thick underbrush make the going difficult. Besides the danger of snakes and insect bites, it is hard to tell how much timber is present and the kind and character of the trees.

At the point where the Blue Ridge passes between the headwaters of the Tallulah River and the headwaters of the Nantahala River, the ridge rises to an apex that bears the name Standing Indian Mountain. From its southern side descends the headstreams of the Tallulah River. From its southeastern side flows Betty's Creek, one of the tributary headstreams of the Little Tennessee River. From its eastern side flow numerous small streams that are tributaries to the Little Tennessee. From its northern side flow the tributaries of the Nantahala River, which empties into the Tennessee River and thence into the Gulf of Mexico. Those streams from the south flow through various tributaries into the Savannah River and thence

into the Atlantic Ocean. The Blue Ridge at Standing Indian Mountain runs southward on a sharp ridge locally known as the Ridge Pole.

Betty's Creek flows to the east of the Ridge Pole through a gorge. This valley on its eastern side is bounded by Pickens Nose, another sharp ridge that descends from the Standing Indian Mountain along the western edge of the Tennessee River valley. Betty's Creek valley is probably a half or three quarters of a mile wide and about four miles long. The northernmost inhabitant of this valley, before the virgin timber closed in, was a man named Bede Norton. I boarded with him for several months, and I was staying with him during the course of this timber cruise. The area was heavily timbered when I first cruised it, and we cut slightly more than eight million feet of lumber off this boundary.

On the side of the Ridge Pole Mountain, nearly at its top, lies an open space caused by a flat ledge of rock about five feet wide and covered with scrub grass. The rock was bounded on its upper side by a perpendicular cliff about four feet high, and, being free from trees and underbrush, it made a convenient outlook from which to examine the contour of the country. Bede Norton was above me by two or three hundred yards when I came to this ledge at about two o'clock one afternoon. I noticed that the grass on the ledge had several dry spots, as if a rabbit had been lying on the grass. I walked out on the bench and stopped close beside the cliff, which came up to about my breast. I caught hold of a bush and turned to look out over the valley.

Any person who is being subjected to the gaze of another person on the back of his neck realizes without being conscious of it that someone's eyes are on him and always will turn his head. I felt that somebody or something was looking at me, and I turned and saw two pairs of glittering eyes staring into mine at a distance of not more than two feet. Two rattlesnakes were on top of this cliff in coils approximately the size of a bushel measure. These snakes were at least five and one half to six feet long. However, they were lying perfectly quiet, and the incident was so casual that their presence did not startle me. Quietly, I stepped back five or six feet and looked around hastily to see if any other snakes were visible.

Even then I did not feel any uneasiness because of the rattlesnakes but feared copperheads might be denning with the rattlers. This was usual, and

copperheads are far more dangerous than the noisier reptiles. I called to Bede Norton to cut a couple of poles and bring them down, that I had found a den and we would probably kill several snakes. In the meantime, I looked around and under a flat rock that was a yard or so in diameter. I saw three snake heads poking out. In the few minutes that lapsed while Norton was bringing the poles, I found one or two others. When he came down to the ledge and I pointed out these reptiles to him, he said, "My God, Gennett! Look at your feet!" There, within a foot or two of my feet, were two more snake heads poking out from among the rocks. Norton killed the two that lay on top of the cliff and passed me the pole. I began to punch the snakes out from under the big rocks and from among the other hiding places, while he killed them as they slid off the ledge. When we killed the last one in sight, there were twelve full-grown rattlesnakes lying dead in a crevice of the ledge.

I had a good opportunity to examine these animals closely. I found that rattlesnakes are divided primarily into two major species. In one class the snake heads are practically black, and this color continues down the back, gradually fading into a deep chestnut. The snakeskin, especially after the process of shedding has been first completed, is glossy, and the diamond-shaped markings are very distinct. The snakeskin appears to have a tiny coating of short, velvety-appearing fur. There is no apparent difference in the appearance of the male and the female. The other type of snake is of a predominantly bright yellow color, and the markings are beautifully clear and distinct. These markings are of a rich chestnut color that beside the yellow make a very vivid-appearing reptile.

In this particular case there were six couples, evidently mates. We found that the females contained from six to a dozen little snakes about the size of a lead pencil. These old snakes probably were born at this same place and had returned at the time when their young were expected. The rattlesnakes are viviparous animals. The young snakes, when born, are coated with a slimy substance, and the skin is very tender. The ledge, being on a sunny slope, was ideal for toughening the skin of the young snakes. During the course of the week in which I cruised this timber, we ran upon three other single rattlesnakes. Probably their mates were nearby, but we did not see any except the single ones. All of them were headed toward the top of

the Ridge Pole and evidently were making for the ledge where I discovered the den.

I have had many experiences with snakes of various kinds in my trips through the woods. The ordinary black snake or black racer is a pugnacious animal and makes a good bluff at attacking the person who disturbs him but at the last minute always loses courage and moves rapidly away. I have seen the bull snake, also called spreading-adder, who makes a terrible hissing noise and whose markings are very much like those of the rattlesnake but whose bite is entirely harmless. The highland moccasin, also called the cottonmouth, is one of the few venomous reptiles to be found in the East. Usually, he is found only in the swampy sections of the deep South, though I have found him in middle Tennessee when I was a boy. The king snake, which is a friend of man and frequently in the South is kept in barns and cribs to destroy mice and rats, is an interesting reptile. I have heard many times of the manner in which a king snake will kill a cottonmouth moccasin. The only opportunity I ever had to see this happen was once when I made a trip to Madison Parish, Louisiana, to examine a thirteen-thousand-acre boundary of land. In antebellum times it belonged to a well-known Confederate general who had lost it to a Memphis bank in the depression that followed the war.

When I went to see this tract of land, the overseer gave me an experienced colored man as a guide. We mounted stout mules and rode together through the swamps and canebrakes for two or three days. On one occasion we were passing a huge hollow cypress tree in front of which lay a good-sized king snake with his head erect and weaving back and forth. I rode my mule up to where I could see the interior of the hollow tree, and there lay a huge cottonmouth moccasin. He was large, heavy, and sluggish and was coiled and ready to strike. It was evident that he was anxious to get away, because he feared the king snake that apparently was ready for him. In a few moments I would have been witness to a bona fide fight between a king snake and a cottonmouth moccasin. However, the guide, who had a shotgun with him, did not wait for the denouement and blazed away with his gun, killing the moccasin at once. The king snake glided off through the brush and bushes.

The parish of Madison lies in the northeast corner of Louisiana, along

the Mississippi River. At the time of my visit the population consisted of sixteen Negroes to one white person. The white people were mostly congregated in the county seat, which was the town of St. Joseph on the banks of the river. The commissary was established in the old home place of the original owner and formerly was a very beautiful plantation home. The front yard was adorned with various shrubs, flowers, and remnants of flowers that had gone to seed and contained a beautiful goldfish pool. Through the front edge of the yard passed a deep bayou. The bayous usually were quite steep, and the water was of a deep wine color. This color was indicative of the forest in that country, where the water flows over a heavy coating of leaves and rotten limbs, absorbing its color.

The mules that the colored man and I rode were trained to cross these bayous without flinching. When I came to the first one I was very much startled to find my mule plunging off the steep bank into the stream and swimming strongly across to the other bank of the stream, up which he scrambled without any urging from me. That was the usual process. We swam a dozen narrow bayous on our two-day trip, ranging in width from fifteen yards to thirty yards. I never did get accustomed to this manner of transportation, though I had been long used to fording our mountain streams and scrambling across their rugged rocky beds without any uneasiness.

The doors to the commissary were barred like the doors of a jail. McLeod, the overseer who lived in a pretty little cottage about a mile from the commissary, had in his employ a young boy of about twenty-one years of age. It was his duty to remain always within calling distance of McLeod's house, where he and his wife and two children lived alone. I have never been in a country that appeared to be more wild or more dangerous than this country. I was told by this boy that during the preceding winter, a band of wolves broke into their stable and pulled down a calf, and that frequently bears visited them for one purpose or another.

My negotiations with the Memphis bank fell through, and I returned to Rabun County, where I purchased fifteen thousand acres of land along the Tallulah River. In making this purchase, I was very careful to leave out the little bottoms along the stream where the mountaineer's cabins were located. I purchased only the timber area, which began at the foot of the mountains and extended to the top. It so happened that in mak-

ing my purchase, there was only one spot where the land I bought on the south side of the river was opposite to and contiguous with the land I bought on the north side. This was at a point where the mountain ridges came together at the river. After holding this land for several years, I was approached one day by a young sawmill man from Tallulah Falls who wanted to buy one thousand acres of my timber. He was particularly anxious to buy this area.

The Georgia Railroad and Power Company had some years previously built a huge dam at Tallulah Falls.[1] Here, they had obtained a fall of nearly six hundred feet by tunneling through the mountain only about a mile or so. The anxiety that this young lumberman showed to obtain this particular 1,000 acres aroused my suspicions. I offered to sell him 1,000 acres that lay on the railroad and for sawmill purposes was vastly superior and more desirable. However, nothing seemed to meet his requirements except the 1,000 acres above described. I got in touch with the Georgia Railroad and Power Company and discovered that they were in the market for this very 1,000 acres.

I was called to Atlanta and invited to play golf by Mr. E. B. Atkinson, chairman of the board of the Georgia Railroad and Power Company. I think he had been warned of my business ability by Mr. Thomas Payne, a banker in Atlanta with whom I had had some dealings. But before the golf game was over, he must have discovered that Payne vastly overrated my knowledge and experience, because he began to pay little attention to my conversation. I did not see him again, nor did he broach the subject of this purchase, but a few days later his chief engineer approached me, and we began to negotiate.

Nat and I knew absolutely nothing about the value of water power. I thought a dozen places along the river would have been just as good or better than the place he wanted from me. Our title was dubious too, and Nat and I had been carrying this land for twelve or thirteen years and were anxious to get rid of it. Therefore, it was agreed that I should ask $50,000 for the 1,000 acres and take $40,000. This I did, and I thought we had made an excellent sale. Subsequently, Mr. Payne advised Nat that the power company was prepared to pay us $150,000 for this dam site, because it was the only place along the river where the rock bottom was sufficiently solid to

support a huge dam. The power company built what is known as the Burton Dam on this site.

If I had bought the little bottoms along the river, I could have controlled the storage basins as well as the dam site and probably could have gotten half a million dollars for this land. The price that we fixed upon the property was based only on an arbitrary valuation made up in our minds. What I should have done was to employ a hydraulic engineer, give him one hundred dollars a day, and have him appraise the value of our water power.

This was one of the humiliating experiences of my business career. However, I excused myself because of my ignorance of the conditions and also because we made a very fair profit on this land. Also, at that time we had just purchased eight thousand acres on Montgomery Creek in Campbell County, Tennessee, and were engaged in erecting a band mill. This mill was costing us considerably more to build and equip than we calculated it would, and we had just assumed an obligation of two hundred thousand dollars for the timber. So we were both a little afraid and were particularly anxious to get our hands on cash with which to meet our obligations as they arose.

It was also during these negotiations that I sold to the United States government the 12,000 acres that we had purchased around Rabun Bald in the second district of Rabun County. We received eight dollars per acre for the 12,000 acres, which was gratefully received and applied to the debt we had created in Tennessee. This relieved our minds very materially.

As soon as I completed my negotiations with the Georgia Railroad and Power Company for the 1,000 acres, I continued my negotiations with the United States government for the remaining 10,000 acres. I asked eight dollars per acre for this land and was having quite a quarrel with the government's appraiser, Mr. George Marshall, as to the value, which he fixed at six dollars per acre. I was in no way bound to the government to sell them my land. Mr. Hall, who was the forester in charge of land purchases under the Weeks Act, seemed to feel that I had shown bad faith in selling land that the government was then negotiating for. Therefore, he refused to pay me eight dollars per acre, and I was compelled to accept six dollars per acre.

NINETEEN

Running Band Mills in Tennessee, 1919–1933

In Tennessee, where we operated three sawmills at one time, the Workmen's Compensation Act was first put into effect in 1919, about six months after we had started the building of our sawmill at Montgomery Creek in Campbell County, Tennessee.[1] About the first of August, one of our men left at eight o'clock in the morning on the railroad train for the purpose of cutting timber at the head of the creek, and at ten o'clock he was brought back on the train, having been killed by the felling of a tree. The weather was terrible, as it was midsummer and terrifically hot. There was no way of embalming his body, so by that afternoon at five o'clock he was buried. This always appeared to me to be a most painful accident; a young man going out in the full bloom of his manhood at eight o'clock and being buried that evening at five.

He left a wife and four children, and under the law of Tennessee we were compelled to pay them workmen's compensation of six thousand dollars. We carried insurance, but that did not help us very much, because the insurance company immediately classified us in a higher premium class and in the course of four or five years got all the money back by the increased premium.

We were working in Tennessee during the years 1919–33, and during the last three years we had three sawmills operating. The premiums for workmen's compensation insurance were so excessive that I determined to risk carrying these three mills ourselves. So we charged up against the workmen's compensation reserve the exact premium we would have had to pay to the insurance company. By having a run of good luck, in three years we established a reserve of eleven thousand dollars. This seemed to be doing fine, but on the last day of our operation as we were bringing the log loader from off the head of the creek, one of the bridges broke. The log loader turned over, and the loader man was very seriously injured, so much so that his hospital, doctor's bills, and his own compensation cost us over two thousand dollars.

On the same day, one of the young men engaged in loading lumber was dropping a freight car down in the lumberyard when the brake slipped. The car got away from him and crashed into another log loader that had been brought down the previous day. His breast was crushed and his lung punctured, so that I had to send him to Knoxville. He also cost us two or three thousand dollars.

We had just had a previous accident in which a man employed for only one day in the logging crew struck his ax on a limb above his head, deflecting it so that the ax split his instep open and penetrated through to the sole of his foot. For months he was in a very serious condition and never did walk straight after that. These three accidents all occurred within a period of four or five days and completely wiped out our eleven-thousand-dollar reserve. When we stopped sawing in Tennessee, our workmen's compensation was just about even.

We averaged thirty or forty accidents a year of this sort. Most of them were of minor importance, but for ten years we had a company doctor whose salary was from three to four hundred dollars a month. This doctor was not concerned altogether with accidents. Every employee who was taken on our payroll had deducted from his monthly wages two dollars per month if he was married and one dollar per month if he was single. This was given to the doctor, whose duty it was to give his services in all cases of sickness in the employee's family.

We frequently furnished other services for our employees. On Mont-

gomery Creek when we started operations there, there were no springs in our village. So we employed a well digger and had eleven wells dug throughout the village. The well-digging machinery had a drill that started off with a six-inch bit and, after it struck the solid rock, was replaced with a five-inch bit. After the well had been dug and a good volume of water reached, we usually took a six-inch iron pipe and drove it down into the well so that it rested on the ledge of solid rock where we had changed the size of our bit. In this way we got a completely protected well into which we sunk a pump fifty or sixty feet. We always had an ample supply of cool, fresh, and absolutely pure water.

This was one of the reasons why we succeeded in keeping out typhoid fever and other epidemics, and one reason also why we obtained high-class employees when other concerns were finding it difficult to get them. Also, we bought a large quantity of typhoid serum. Our doctor gave his services for free, and the mill was closed down. We vaccinated every man, woman, and child in the camp except four persons: Sam Anderson, his wife, and their two children. They refused to be vaccinated. They were the only persons who ever had typhoid fever in the ten years that the camp was in operation.

On the first day of June 1922, I took my family to Wrightsville Beach in North Carolina, where we rented a cottage. We were there only one day when I received a telegram from my superintendent at Montgomery Creek. He advised me that a huge flood had come down the creek, that our mill was partially washed away, our logging railroad was destroyed, and I should come at once.

I returned to Tennessee and finally got order out of chaos. Several of our houses were washed away, but nobody was drowned. This was a miracle, because several families had been in imminent danger during that night. One case that impressed me was that of a cabin that stood in the middle of a field, just out from our boardinghouse. The cabin was occupied by a man, his wife, and their five-year-old son. This man was awakened in the night by the roaring of the rocks, which were tumbling over each other in the swift current. When he got out of bed, he found himself knee-deep in water. He lighted a lamp, looked out the door, and saw that the stream, which ordinarily was not more than fifteen or twenty feet wide and a few

inches deep, had been converted into a raging torrent. It was so swift that he could not get ashore from his cabin. At daybreak, a number of my employees discovered his predicament.

An attempt was made to rescue him and his family. A rope was tied around one man, who started across the wide, flat channel of the stream. He instantly was knocked down by the current and came very near to being drowned before he was pulled back to shore. At this instant a huge hemlock tree that had been torn out by the roots was drifting down the stream with its roots forward. The men who watched were certain that the tree would strike the cabin and tear it to pieces, and the family would be left to struggle in the muddy waters. There was a great deal of anxiety about what was sure to occur. However, it so happened that this tree, as it came down, poked one of its long roots into a window at the side of the house. Its upper part swung around and was caught in the branches of another tree, and it became immobilized. The little cabin was held perfectly safe until the waters receded.

Another of my employees whose cabin stood on the bank of the creek was awakened by the water flowing into his bed. He got up, climbed up on a table, and tore the shingles off the eaves of the cabin. He and his wife and two children climbed out through a hole in the top of the house. They spent the rest of the night on the comb of the roof, thinking every minute that the flood would wash the cabin from its foundation, and they would be drowned. Another man climbed out of the window of his house and into an adjoining tree. He and his wife and two children spent the night in this tree. Next day when the flood waters subsided it was seen that the water had washed the dirt from around the roots of the tree, and the tree was just in the act of falling.

All of these narrow escapes made a great impression on me. The financial loss that we suffered in this one flood amounted to more than thirty thousand dollars. The streams over in Tennessee are very flat, while the sloping sides of the mountain are very steep. When the rain falls in great quantities, it rushes down into the flat streams and does not run off fast enough to prevent the accumulation of a flood. In the spring of the year, newspapers are full of similar episodes all over the Cumberland Mountains of Tennessee.

TWENTY

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Perversity of Inanimate Objects and Peril of Lumber Industry

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It was during these years in the lumber business that I became impressed with the perversity of inanimate objects. I have had several unique adventures with things that ought not to have caused any serious difficulty but that have endangered my life several times. The lumber business is exceedingly treacherous. From the time a man goes into the forest to cruise the timber until the manufactured lumber is loaded on cars, there is always some danger. During the course of our experience in this business, we have had four men killed while felling timber. Each fatal accident was unique in its kind.

The first accident occurred in South Carolina. One of the trees that a timber cutter had felled lodged against another tree and slid down along it, pressing down two or three small hickory bushes in its wake. When a second tree was cut down it allowed the first tree to slide off the bushes onto the ground. These bushes sprang back, and one of the limbs no thicker than two fingers struck a man at the base of the brain, killing him instantly.

The second incident happened in Madison County, North Carolina.

One of our men was cutting a basswood that had a rotten place in it about twenty feet from the top on the opposite side from which he was standing. When the tree started to fall, the top of it snapped off at the rotten place and fell backward. One limb no larger than a man's thumb hit the woodcutter at the base of his brain, instantly killing him also.

The third and fourth accidents occurred at my sawmill on Montgomery Creek in Tennessee. One of them I have mentioned, which was the tragedy of the young man who went out in the morning to work and whose body was brought back at dinnertime on the logging train and buried before sundown of the same day. The last of these four unique accidents occurred on what was called Roastin' Ear Creek, on the head of Montgomery Creek in the same county. In this case, a tree that was being cut slipped off the stump, fell in an unexpected direction, and thrust down a small sapling that struck one of the men on the side of the head, killing him.

Another fatal accident was caused by the carelessness of one of the mill superintendents engaged in building a splash dam with logs.[1] The pen of logs had been built up to about thirty feet in height, and the last tier of logs was being set. The superintendent fixed a place for the men to work that they thought was not adequate, and they refused to get up on the plank that he had put there for them. This made him angry, so he grabbed a peavey and jumped on the board, saying that he would do the work himself. But the board was insecurely placed, and it tilted, making him fall to the ground. As he fell, his head struck against the bottom log of the splash dam. He died a little while later.

At a place in Macon County, North Carolina, we were having a pile of logs loaded onto a wagon. The logs were drawn up onto a skidway and allowed to drop down one at a time to the lower end, where the driver rolled them onto the wagon. It was his custom to start a single log rolling, check the remainder of the logs, and then push the single log up on the wagon. He would duck to let the single log roll over his head, then bring his head upright after it passed, feeling sure that the other logs were blocked and that they would not run onto him. However, this time, when the driver raised up after a single log had rolled over his head, the logs behind it had not been checked. They came down with full force, and his head was caught between the single log and those coming after. His skull was crushed, and he died immediately.

There are many more serious accidents in the woods than at the mill and elsewhere, but it is not unusual for an accident to occur in the mill. Just a few days ago at my mill at Hayesville, North Carolina, the band saw, which had been slightly cracked between the saw teeth, caught against the saw guide and was torn off the wheels. One of the men was sweeping up the mill when the saw, traveling at great speed, dashed wildly around the room and caught this young man across the hips, tearing the flesh badly. The doctor had to take 148 stitches in his body. A few days ago, I heard that one of the nerves leading to his foot was affected, and he was unable to walk. The surgeons at Murphy have attempted to fasten the torn nerve together in hopes that it will heal and allow him to regain the use of his foot.

Other accidents have occurred from ax cuts, from dropping a railroad car from the side track down into the lumberyard, and from loading lumber into the cars. They are not always fatal, however, and it frequently happens that they have a humorous side to them.

When we were operating circular mills from Clayton, an old tramp came into our camp and asked for a job. His name was Jones, and he must have been nearly seventy. He was an indomitable old fellow and so impressed us that we gave him a contract and a yoke of steers with which to do his work. For three or four years afterward he was a conscientious and faithful employee. Finally, he got tangled up with some country women of ill repute, and they milked the old fellow of practically all the money he had saved in the years he worked for us. But I always felt a great compassion for him, for he was a man who had evidently seen many vicissitudes of life. He never complained and was an earnest and indefatigable worker.

Shortly after this man entered our employ and I bought him four yokes of steers, I went out into the woods where he was at work with his cattle. It had rained the night before, and the atmosphere was absolutely still. One of the chestnut trees evidently had been weakened around the roots, because while the old fellow and I were discussing how a certain tree should be logged, and he was getting ready to drive his steers to hook up to it, without any reason whatever the tree seemed to turn loose all holds and fell across the two animals, killing both of them.

Another time, we were engaged in ballhooting logs off of a steep cliff in Rabun County.[2] One of the logs started down a little cove, gaining in momentum as it went. It came to a gap in a ridge and rolled up and over

the gap and down the adjacent cove, killing a yoke of steers that were at work at least half a mile away. This appeared to me to be a very unusual accident.

Over in Tennessee on Montgomery Creek I had a contractor who wanted to buy a pair of horses. I had just sent to Cincinnati and bought a carload of big logging horses averaging thirty-three hundred pounds a pair. I sold him a beautiful iron gray team for five hundred dollars. He put them under the charge of a young fellow who had just started working for him and was not an expert logger. This fellow hitched his team to a huge ten-foot log, which he started to pull down a very steep hill. In such cases it is usually customary to hitch a smaller log to the end of the big one so as to keep the big one in line. This man did not understand that method of logging and started down the hill with a single log hitched to his team. It soon began to roll sideways and up on the chain. When they got to the end of the logging road where there was a high bluff over which the logs were being piled, the log went over the bluff, dragging the team with it. Both of these fine horses were killed within three days after starting to work through the ignorance and inexperience of the driver.

One of the most amusing incidents I recall was one that occurred in South Carolina when I first started logging. I went out from the camp right after breakfast to where my cattle driver had four yokes of steers hitched to a poplar log down in a little ferny hollow. The butt of this tree had been squared off so as to leave it in a triangular shape, four or five feet in width. I saw this poplar butt lying on the side of the hill just above the yoke of steers and could see that it was tilted at such an angle that the first stiff wind that came along would start it rolling down onto the animals. I took hold of this big triangular piece of wood, bracing myself to keep it back and calling to the driver below to get his team out of the way. Cattle are exceedingly slow, and though the driver popped his whip and urgently called to them, it took the animals a long time to get in motion.

In the meantime, the breeze that I had feared came upon us and started the butt of the poplar tree on its way down the hill, throwing me in a somersault in front of it. But I lit running and dashed on down the hill, hearing the "plop, plop" of the big chunk of tree behind me. I did not even look over my shoulder but ran into the ravine and up the hill on the opposite

side fifteen or twenty feet to a tree, which I got behind for safety. At last I saw where the triangular butt was, and I found that it had gained enough momentum on its downward trip to roll up the hill and around the tree behind where I stood, as if chasing me. I have never been more frightened and at the same time more amused at the idea of being chased down a hill, into a ravine, and up behind a tree on the opposite hill by an inanimate object.

One of the narrowest escapes that I ever experienced happened on Spillcorn Creek in Madison County, North Carolina. The middle part of this creek was exceedingly steep, but above this sharp break the land was level and smooth, so that it was easy to build a railroad up to the falls and above the falls.[3] At the falls we had to build an incline of about four hundred yards long to carry the railroad over the falls. About halfway down the incline, the railroad wound at a sharp angle to the left. Having finished the incline, my men were at work on the upper part of the road and had taken a Fordson locomotive above the falls.

My superintendent, Thad Cloer, and I were walking up the incline when we heard the roar of the locomotive coming down the track. We knew that it had escaped from the track men and was running away. We were at the bend of the railroad, so that the locomotive was headed straight for us. We knew it would more than likely jump the track at this sharp bend and crush us to death against the banks of the cut, which was at that place. Cloer, being very active, jumped off the track, climbed up the side of the cut, and reached safety. When I attempted to climb the side of the cut, my foot slipped, and I fell back against the side of the railroad, right at its bend. I looked up and saw the locomotive dashing down the steep incline, not more than twenty-five yards away. I barely had time to call to Cloer, "Thad, I'm gone!" when the locomotive hurled past me without jumping the track, as I thought surely it would. After it had dashed itself into a mass of wreckage at the foot of the incline against a log loader, we examined the rail. We saw the mark of the flange of the front wheels that had actually climbed up on the rails but, fortunately for me, had dropped back in place and gone on its way, cleaving to the road.

TWENTY-ONE

Failure of the Revenge Theory

As a sequel to the Ellison lawsuit, I personally received a most bitter lesson as to the futility of seeking revenge for what one might consider an injury done to him. I was very sore at Ellison, because he had brought a suit for half the profits on the land sale when he knew that that contract had been canceled and destroyed. Ellison also knew that he had, on the porch of his own hotel, agreed with me that he would look to Johnson for his commission on this land. I felt that if there was any way to punish the scoundrel, I was fully justified in doing so.

While I was engaged in the purchase of the lands in the second district of Rabun County, which we subsequently sold to the federal government, on a trip to south Georgia I found the title to a tract of land that we had presumably quit-claimed to Ellison some years previously and that he had sold to Mr. John Lockrie under full warranty.[1] As it is in most states, the law in Georgia says that a quit-claim deed conveys only such title as the holder at that time possesses, and that the sale under a quit-claim deed did not preclude the owner from subsequently obtaining a good title and recovering or reselling the land. I considered the purchase of this old, original grant as a fortunate act, giving us a reasonable opportunity to get back at Ellison, who had warranted the title to Lockrie. Regardless of the moral aspect of selling a man a piece of land and then taking it away from him

under another title, I felt fully justified in getting all the revenge I could possibly get on Ellison.

The quit-claim title had been sold to Ellison by A. & N. W. Gennett. The title that I now was asserting, which had been acquired in south Georgia, had been made to the Oakey Mountain Lumber Company, of which Nat and I and Frank Dillard were the sole stockholders. I had no doubt whatever of getting my revenge on Ellison with these two provisions in our favor, because he would have to repay Lockrie the money that Lockrie had paid him for the lot.

In the meantime, this lot had been condemned by the government and the sum of $3,200 paid into court for the claimants to fight over. We immediately began to fight. The suit was brought in the U.S. district court in Atlanta and was presided over by Judge William Sibley. Sibley was kinsman of my wife by marriage, and I thought he would, in every reasonable and honorable way he could, help me. Ellison's attorney felt as we did about the law and that apparently it was wholly in our favor. He came to me just before the trial began and offered to divide the $3,200. However, I was so bitter against Ellison and so bent on getting my revenge, which seemed to be right in my hand, that I hooted at the idea and proceeded with the trial of the case.

We presented the alleged quit-claim deed, and after it had been presented Judge Sibley said, "Let me see that deed a minute." He examined it and said, "This deed does not appear to be in the form of a quit-claim, which is an artificial form. It appears to be in the nature of a straight sale, without any written warranty. I think the law provides that in cases of this sort, there is an implied warranty and that the seller under this deed cannot thereafter obtain another title and recover the land." So we were knocked out of court on that point.

Well, then we relied on the other point, which was that the stockholders were distinct from the corporation. It was admitted that Andrew and N. W. Gennett were practically the sole owners and stockholders of the company. We were confidently relying on this point to save us. But Judge Sibley said, "I have just had a transcript of the reports recently given by the Supreme Court," and sent his janitor for this pamphlet. He read from it a statement that said that the Supreme Court had decided that in cases where it was

evident that the stockholder and corporation were identical there would not be any exception, so he knocked us out on the only defenses we had. I failed to get my money and also my revenge. I learned, however, that revenge was always dangerous to fool with, because I went out of the court thoroughly humiliated and distressed. From that day to this, no matter what injury anybody does to me, I have never sought revenge.

TWENTY-TWO

Inevitability of Lawsuits in the Lumber Industry

The Gennett Lumber Company has been involved in a great many lawsuits, arising principally from three different causes. In the first class are damage suits for personal injury. At that time, these lawsuits were based almost entirely upon the old law of the negligence of the defendant. This negligence had, by processes of legal interpretation, become so artificial as to be almost meaningless. The judgment in these cases was largely the result not of justice but of local prejudice. This was particularly so in railroad damage cases, where the jury seemed to have little consideration for the railroads. The principal idea was to find sufficient negligence to get by the judge and reach the jury, the verdict in such cases usually being adverse to the railroad and equally so against us.

We found ourselves struggling against the legal interpretation of negligence, which might arise from some person in our employ telling one of his workmen to go out and cut a tree that accidentally fell on him and wounded or killed him. If the workman had been furnished a dull ax or an unfiled saw, it was held to be negligence. We suffered very considerably in this respect until we finally employed Mr. Lyle Jones of Franklin, who, from his experience in prosecuting criminal cases, had become an expert as a

trial lawyer. I do not think that we ever lost a case after Mr. Jones took charge.

The question enters my mind as to the real philosophy of the methods that were employed in those days and that are still employed in some cases. We had to hide ourselves behind some independent person as an independent contractor, so that if an accident occurred we were not responsible for it, even though there was this artificial negligence that I have described.

In one of my earliest jobs over in South Carolina, I had employed a man to fell the trees on a certain boundary. This man had taken into his employ two other men and also furnished his own tools and materials. He went out and cut a tree that fell sideways, bending down as it fell a small hickory sapling, which as the big tree passed sprang back and struck this man on the back of the head. The blow crushed his skull and killed him instantly. There was no possible negligence on my part, and also he was an independent contractor. Yet everybody in that county expected us to pay damages to his wife, and I was very much condemned when I paid only his burial expenses.

The question often has entered my mind as to whether or not these methods that I have described to evade liability were justified. They were legally right, but the question in my mind has always been whether there was not some moral responsibility. However, we felt that if we assumed this sort of responsibility there would be no end to the claims that were brought against us, and the profits out of the small lumber business in which we were engaged would be negligible.

The same question entered my mind in regard to the timber purchases we made in Georgia. It frequently was impossible to determine who was the owner of a tract of land. Sometimes there were two or three claimants, and no decision could be made between them until the court rendered its decision. Therefore, we were compelled to take the chance of buying from just one of the claimants because no claimant would sell at less than the full value, which of course could have made the purchase impossible. So we adopted the expedient of organizing a corporation with a small capital stock called the Oakey Mountain Lumber Company, which would warrant the title but would be limited in liability to the capital. We were bitterly condemned by a man in Clayton for trying to evade responsibility of this kind.

I confess that I have been unable to believe that there was anything reprehensible in that conduct.

In regard to the personal injury, we adopted the independent contractor policy. One of the most bitterly fought lawsuits that we ever had (which Lyle Jones defended for us) was one brought against us as principals on a contract to cut and saw that we had made with Bill Berry, who was logging the timber on his uncle John Berry's place on the head of Ellijaye Creek. This lawsuit was brought by a man who had been injured while driving one of Bill's tramcars.[1]

In clearing the right of way for the tramroad, a bunch of hemlocks not more than two or three inches in diameter had been cut and thrown in a pile beside the road.[2] As the hemlock dried out and shrank, the pile of branches settled and drew toward the railroad so that one of the branches caught the brake lever on the tramcar as it passed. This fellow was engaged in sanding the track, and a little hemlock branch sprang back after the brake lever had passed it and hit him on the head. He claimed permanent injury and sued for ten thousand dollars. Our defense was that Bill Berry was an independent contractor and so liable for the damages, if any.

The case went to trial with the attorney Wint Horn, our antagonist as usual. In his speech he tried to fasten the liability on us as being the principals, speaking about "poor old Bill, our tool," a most amusing speech. We had one friend on the jury, and in the first trial this old man held out for us and hung the jury until it was dismissed. There were eleven for giving him the ten thousand dollars and one in favor of refusing. In the second trial we had a unanimous verdict in our favor.

In this first class of cases, which involved personal liability based upon artificial claims of negligence and which we evaded by making or employing an independent contractor over whom we had no control except to see that he did the work in accordance with the contract, we finally were relieved from further fear by the passage of the Workmen's Compensation Act. It seems that the passage of this act was brought about by the Rockefeller Foundation, which investigated and reported that the true basis of liability was the ability of the industry to pay the damages that any workman might incur in the course of his labor. Instead of being liable in every case of negligence, the employer was compelled to pay in every case of injury.

However, the amount that the employer was called upon to pay was usually far less than the jury would give in the case of a judgment against him. So most employers accepted the Workmen's Compensation Act with relief. The only question involved was whether an employee had been accidentally injured "in the course of his employment." Many close questions have arisen as to whether or not a hurt man was an employee, and whether the injury occurred in the course of his employment.

One of our men, Jim Mayes, when coming to the office one night after working hours and not on our time, fell on the railroad and broke his leg. It was immediately declared by the State Compensation Commission to whom the question was referred that this was "in the course of his employment," though he could just as well have waited until morning and brought his payroll in on our time. These questions were usually resolved in favor of the employee. But the amount of damages was fixed and gave the injured person or his heirs the instant compensation, instead of necessitating a delay until after the long process of trial without any relief whatever. Thus, the employer was not driven into a quarrel or bad relations with his employees.

The only difficulty about the Workmen's Compensation Act from the employer's standpoint is that it has been made the football of politics. The labor union leaders, whenever they required any sort of objective to impress their union employees with their efforts to benefit them, would go to the legislature and seek to increase the amount of the damages and in various other ways make a sort of junket of what was intended to be a fair and just compensation all around. For instance, in the state of North Carolina the law has finally been amended so that in case of an accident, the doctor's bills are unlimited. There is nothing to hinder the doctor from charging whatever he might desire, and in many instances the amount of the doctor's bills in the course of a year is far more than the amount of compensation that the injured employee draws.

The second principal cause of lawsuits for a sawmill man arises out of contracts. I do not think that this type of lawsuit ever ought to be submitted to a jury, because the jury cannot analyze these complex contracts. I believe that in nearly every case the jury will reach a wrong verdict, whereas a referee, who is usually a trained lawyer, can reach a correct verdict because

he can analyze the contracts and apply the facts intelligently. This was the case in the lawsuit we had at Franklin. Attorney Brag Higdon was the referee and decided for us. An appeal was tried de novo before a jury, and we lost it.[3] I have long since gotten over the bitterness I felt in regard to the Rogers lawsuit; I have never felt that Rogers was deliberately lying about the matter. I think that probably some wild statement that Nat made was construed by him as a guarantee and that he was absolutely sincere in his attitude. At the time, however, I could not give him credit for any such feeling.

My experience with courts has convinced me that court is not a place where justice is to be obtained, for the mechanics of the American courts do not make for justice. An ignorant jury is usually sought, which is guided more by prejudice and a skillful lawyer than by a true analysis of the justice of the case. Appeals to the Supreme Court are not permitted to inquire into the right or wrong of the case but merely into the law. Court is only a place where controversies are definitely settled without recourse to force.

The fact that court is not a place for justice was manifested by my experience in a land case in Blue Ridge, Georgia, during the process of condemnation of a tract of land that we had sold to the government and that it condemned under the law of eminent domain. This land case was typical of the third class of lawsuits, which arose from title disputes. The tract consisted of 32,000 acres of land, a large part of which I had obtained from Chastain Brothers. They were the sons of a prudent old country storekeeper who in the course of a long lifetime had built up a fortune, part of which consisted of 20,000 acres of land. It subsequently appeared upon examination of the titles that these 20,000 acres contained twelve lots that were claimed by the Shippen Brothers Lumber Company of Ellijay, Georgia. For six of these lots, Shippen Brothers Lumber Company had a perfect chain of titles from the original state grant, while our title consisted of tax titles acquired under sale of the land by the sheriff of Fannin County in 1884. We held perfect title to five other lots originating in a state grant, while Shippen Brothers held tax titles under sheriff's sales made in the same year. The other lot we held under dubious title by possession.

The six tax titles we got from Chastain had been sold to him by one W. T. Mason of Asheville, North Carolina, who twenty-five years ago was a

prominent lumberman in that city. They passed to us as part of a large tract without any knowledge on our part of Shippen's claim. I examined these tax titles and was convinced that they were all absolutely illegal and void and that it would be advisable for us to make some sort of compromise with Shippen Brothers Lumber Company, if possible. But I felt that before making this attempt we should approach W. T. Mason and see if he would not contribute to a compromise, knowing that these titles would be invalid and that he would be held liable under his warranty to Chastain. I did, however, approach Shippen Brothers but without receiving any encouragement.

I found out that W. T. Mason's attorney was Mr. Zeb Weaver. I wrote Mr. Weaver, setting forth the facts and telling him that in my judgment, a four-horse wagon could be driven through every tax title in the state. I also asked him what Mr. Mason wanted to do about his liability on the warranty. Mr. Mason, who was a stubborn, willful sort of person, advised Mr. Weaver that he could not be held responsible on his warranty until the titles had been decided in court to be invalid. Suit would then have to be brought against him to enforce the warranty.

There was nothing for me to do except lose my money or present my tax titles, making the best case I could, and then go back on Chastain when they were lost and let Chastain go back on Mason under the warranty of title. Therefore, I went into the federal court in Atlanta before Judge Newman. In these cases I appeared as my own attorney, as the land was held in the name of a corporation with which I was not apparently identified, and there seemed to be nothing unethical involved.

Shippen Brothers Lumber Company were very unreasonable and arrogant people. They thought any person who claimed land that they claimed must be a villain. They approached the case in that frame of mind and presented ungrounded and unreasonable claims and charges. They proceeded to antagonize the jury and the judge in every possible way. Their lawyer handled the case poorly, being totally ignorant of land titles. I was not in a very tolerant mood and presented my case in the strongest manner possible. Very much to my surprise and chagrin, my tax titles, which I knew to be invalid, were held to be good. I had to write Mr. Zeb Weaver a very humiliating letter acknowledging that the tax titles about which I had written him had stood up in court.

The very next day we presented the other five lots. These had a good, straight chain from the state. Shippen Brothers held five tax titles similar to those that we won the previous day. I had no trouble in showing their utter illegality. We won two cases on successive days on precisely opposite grounds. Certainly, justice went wrong somewhere.

The tax titles that we won were appealed by Shippen Brothers to the circuit court of appeals in New Orleans. Their lawyer was a very good lawyer and had acquainted himself with the defects in tax proceedings. He had no trouble in having the case reversed and sent back for a new trial. I felt confident we would lose this trial, as I had already acquainted the court and the lawyers with all the defects in that class of tax titles. Shippen Brothers, however, were still doubtful of their case. I made a satisfactory compromise with them, obtaining their perfectly good titles without having to call on Mr. Mason to assist.

These two cases have convinced me that while a jury may be competent in criminal cases where the issue is only a matter of guilty or not guilty, no civil case involving contracts should be submitted to a jury. Of course, the verdict might just as well have been right as wrong. But it is wholly a matter of luck and the skill of the lawyer who presents the case as to which side the jury will take.

TWENTY-THREE

Struggle and Stress in the Lumber Industry

The period of time from 1902 until 1914, when I married, was a period of struggle and stress for myself and my brother. We approached our affairs with the energy of a steam engine and the alertness and readiness of a cat on a hot stove. During this time we were accused by one of the opposing lawyers of engaging in "sharp practice," but I never felt that we were guilty of such a thing. In my experience I have always found that when a young company is struggling to get ahead and to gain success and a foothold, it is much more prone to struggle harder, to be more industrious and perhaps more unscrupulous than it usually is after it gets old and established and has worked out its routine of success.

During the three years from 1909 to 1911, we were engaged in running numerous small circular sawmills scattered throughout Rabun County in Georgia, Oconee County in South Carolina, and Macon County, North Carolina. In the course of these operations it was my duty to cruise the timber, organize the sawmills, and make contracts with the loggers, the sawmill men, and the haulers—in other words, manufacture the lumber—while it was Nat's business to sell the lumber. As a matter of fact, my disposition being pessimistic, I could always beat the other man's land down

and thoroughly disparage it with perfect honesty, because that was my inherent attitude. I was suspicious of the amount of board feet on the land and doubtful of the possibilities of production. Nat, being optimistic, was a born salesman. In that, we complemented each other very much. We made a first-class team, and we were uniformly successful.

I covered more territory and made more trades at that time than any other lumberman I know of. I worked indefatigably, and I was the best walker in the mountains. Invariably, I took the lead when going out to examine a piece of timber with a guide. When we came in, usually it was the guide's tongue hanging out and not mine. I had a wonderful pair of legs that never seemed to tire. I never tired until after the job was done, and it was my disposition to pursue the object to the bitter end before stopping. I think that is the reason I am now suffering from paralysis. I don't think my success as a lumberman was due to any amount of brains in my head; I made success with my legs, not with my head. Rain and snow, ice and cold never stopped us. Weather never prevented us from doing everything thoroughly.

Being very tense, I overdid nearly everything I had to do. When I had a stroke of paralysis on Neddie's Creek in Transylvania County, North Carolina, I did not realize what had happened to me. I continued to walk up and down the creek, which was about two miles long and very steep. Afterward, I pursued my journey across the hill to Wolf's Creek, which was more than two miles farther. I walked to the home of my guide at about two o'clock, where I had a very heavy luncheon consisting largely of country ham. After lunch I felt nauseated and sick, but I still did not realize that I had suffered a serious effusion of blood in the brain. So I climbed to the top of the mountain where I had left my car, drove twenty-five miles to Cashiers, North Carolina, and made a trade with a man to do some logging. Then I drove my automobile seventy miles after dark in the rain back to Asheville. It was not until the next morning that I went to bed. I remained unconscious for more than a month. I think that my physical disabilities have been seriously increased by this failure on my part to realize that the time had arrived for me to slow up.

After I recovered from the stroke of paralysis, we made a trade with the government to sell our lands in Graham County, North Carolina. I worked

for more than two years perfecting the titles and getting the deed ready for signature. I don't think I ever worked harder than those two years in Graham County. Perhaps this hard work and concentrated effort brought on the second attack, which put me to bed in December 1937.

I have gone into detail in regard to this state of mind because I want to impress upon my children that material success really is not the aim of living. When sufficient competence has been acquired to insure the future, a person's mind should turn toward the enjoyment of living. This can be done only by acquiring a true knowledge of the art of living by cultural aims, leisure, and a mind free from fear and excitement. Especially, I want to impress upon my children the ancient, classic virtues of patience, resignation, and fortitude. Those are enduring qualities that enable one to meet every phase of adversity.

I started to retire in 1926. I feel sure that I could have retired with considerably more worldly goods than I have now, but always just a little more beckoned. Instead of putting the money I had acquired into a safe place, I turned to reinvest it in the same kind of business, enlarging the scope and building up more responsibilities.

When the slump of 1929 finally arrived, we were operating three band mills in Tennessee and one big circular mill in Madison County, North Carolina. We were producing and selling more than fifteen million feet of lumber a year. After the slump of 1929, we had on hand more than sixteen million feet of lumber. The sales for the next six years did not average what one year's sales had been averaging. In other words, we should have sold in one year what we sold in six years. In the meantime, we had to pay six years' taxes and insurance, and we had to live and raise our families out of receipts from the sales of lumber.

It was during those six years, when we were spending and losing approximately a million dollars, that the nervous strain became too great for me. I couldn't sleep. I couldn't rest. I always was tense. I think if the losses had all come in one year, it would have been much easier. But when they were spread out over a long period of time, nature found it too much and finally rebelled.

TWENTY-FOUR

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The Necessity of Luck

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I think it wise to pause here, to philosophize over the things that create success in this life. For more than twenty-five years I had a very happy experience. I was healthy, I had a reasonably intelligent mind, and I was engaged in doing those things that I wanted to do. As a young man I set my goal at the accumulation of material things. By concentrating every effort, working unremittingly, and being endowed with a superior amount of luck, the material things of life were coming my way. I was uniformly successful in the objects of my effort.

In the beginning I felt that this success was the result of my concentration of effort and the untiring industry that I put into it. But as I grew older and more familiar with the workings of human nature and the workings of life itself, I became more and more convinced that the element of luck enters very largely into the material success of individuals, no matter how brilliant or how industrious they may be.

I have several illustrations of this element of luck. It was through luck and no other cause that Nat and I came into contact with R. G. Wood, a very wealthy ironmonger of Conshohocken, Pennsylvania. Through him we succeeded in extricating ourselves from the morass of difficulty and defeat that followed our first timber purchase. Mr. Wood was not successful in his operation, and before he gave up the enterprise, he sunk at least two hun-

dred thousand dollars that never returned to him. Part of this was due to his lack of knowledge of the business and lack of skillful planning, but a very considerable part of it was native to the character of the enterprise itself, which did not carry with it the elements of success.

The second illustration of this principle occurred in the purchase of the thirteen thousand acres of timberland on the Tallulah River in Georgia. As I explained previously, this timberland touched the river on both sides at only one place. There was no intention on my part to acquire water power or to attempt to develop anything except the timberland. I carefully refrained from buying the bottoms along the river, which subsequently became necessary for the storage dams. Yet it just so happened that the only place that was suitable to carry the huge Burton Dam that now exists was the very place where, inadvertently and accidentally, we purchased the adjacent sides of a narrow bluff on the river. It was merely through good luck and good fortune that this land, which might have been sold for a good deal more if we had understood the nature of water power values, was sold for forty thousand dollars.

Another illustration of this principle of luck occurred in the winter of 1916. During the previous summer, we manufactured and put on sticks approximately two and one quarter million board feet of timber. This timber came from the land of Mr. John Berry on the head of Ellijay Creek in Macon County, North Carolina. We expected to begin hauling this timber to the railroad in about the first week of November, but the winter of 1916 was one of the most severe and snowy winters ever known in the history of Macon County. Our teamsters, who ordinarily could haul all through the winter months, could not haul either in the fall or the winter. The two million feet that we expected to get in and sell during the winter of 1916–17 was obliged to be left in lumber stacks on the head of the creek, twelve or fifteen miles from the railroad station. This appeared to us to be a terrible calamity. It meant that this timber would be carried for an additional year at a considerable loss in interest. Further, it had to be subjected to the risk of fire or be insured at a considerable premium. We had to furnish the money during the winter months to carry the lumber over. All through the winter we had no lumber to sell, and it was a very great loss and expense.

This winter was the beginning of the tremendous war demand, which

consumed all kinds and characters of commodities, lumber among the rest, and increased the price greatly. We not only were reimbursed for the loss of time, expense, and overhead of carrying the lumber, but the enhancement of price gave us a considerable profit. We would not have gotten this profit, except for the accident of being unable to get the lumber in and shipped during the bad weather. Several times in timber operations that apparently were unsuccessful and showed a loss, a lucky change in price brought us out without a loss or with a slight profit.

A fine illustration of this element of luck occurred in our enterprise at Montgomery Creek in Campbell County, Tennessee. This timber belonged to the Southern Lumber & Box Company, which consisted of Mr. S. A. McIlwayne and Mr. Louis Frank. Mr. McIlwayne was getting old and was suffering from a severe case of diabetes. Mr. Lou Frank was a skillful trader but knew nothing of the woods or the manufacture of lumber. He dreaded the idea of taking this sort of enterprise on his shoulders. In the first place, it meant the investment of a huge sum of money that he probably would not be able to raise and, in the second place, the acceptance of a vast amount of risk, which frightened him nearly to death.

The timber was offered to us by a lumber broker named Freeman from Nashville. I went with him to examine it and stayed to make a thorough cruise of the timberland. It consisted of a body of eight thousand acres belonging to the East Tennessee Iron & Coal Company, which leased its coal to numerous coal mines along the Jellico Branch of the Southern Railway. They sold this timber to Mr. McIlwayne, and now McIlwayne and Frank were anxious to dispose of it. Also, Mr. McIlwayne wanted to withdraw his interest from the company.

In cruising this timber, I tried to be very cautious and take into consideration only those timbers that were marketable. There was a large quantity of chestnut oak on this boundary and also hickory, neither of which up to that time had any value. Mr. McIlwayne, attempting to use the chestnut oak, devised the scheme of putting in a stave mill and manufacturing slack barrel staves. He was a very good stave manufacturer and understood the stave business. This was foreign to both Nat's and my experience, and we got out of the business as soon as possible, though we manufactured a large quantity of staves that afterward proved to be unprofitable.

It so happened that during this period of time when we were manufacturing this lumber, the automobile factories still were using wood in the manufacture of their automobiles and trucks. They found that the best and most satisfactory wood for this use was what was called "sound wormy" oak. The oak timber in this country apparently was of very high quality. The oak trees were tall, large, and apparently capable of producing beautiful saw logs. Yet very much to our surprise and disappointment, at the beginning of our operation it turned out that these beautiful oak trees were wormy from the butt to the top. They were full of small wormholes, or pinholes as they are called, made by a little black bug about the size of a pinhead. In fact, this little bug was not a worm but an insect that penetrated the solid wood of the oak. It left behind a small hole, which made the wood impractical as finishing material but in no way impaired its strength. Therefore, it happened that this wood (the chestnut oak and hickory), which I did not take into consideration at all in cruising the timber and which amounted to fifteen million feet, suddenly became very profitable and in huge demand by the automobile manufacturers. We shipped them enormous quantities of it. Probably 25 or 30 percent of our entire cut was "sound wormy" oak and hickory. This was purely and wholly a matter of good fortune. The timber, which we had considered worthless, was consumed in enormous quantities through the operation of this new automobile industry and brought us in a considerable amount of unlooked-for money.

At the same time the automobile people used wooden spokes and hubs on automobiles, the golfers used wooden handles on their clubs. The most suitable wood for this class of work was hickory timber. This created another class of timber that previously had no value and that suddenly became profitable. This wood and the wormy oak constituted a large part of the profit that we made on this purchase. This windfall was wholly unexpected and entirely an element of good fortune.

However, now the automobile manufacturers have improved the bodies of their cars and use rolled steel and steel spokes and wheels. This has so tremendously diminished the use of timber, and particularly these two classes of timber, that the manufacture of "sound wormy" oak and hickory is practically prohibitive. We have at this time about 80,000 or 90,000 feet of hickory that has been in our lumberyard at Hayesville for more than

three years without a single inquiry, much less a single sale. It seems to us quite probable that this lumber will have to be given away, eventually.

The whole lumber industry has been declining since 1926 and badly since the panic of 1929. But prior to that time, those who built large houses, office buildings, and apartment houses in the North frequently finished their dining rooms and libraries in beautiful oak paneling. For this purpose the very highest grade of oak lumber was consumed. They also used large quantities of poplar finishing, which took paint very beautifully, and for this purpose they required clear lumber for doors, window frames, baseboards, and closets. While a great many houses have been built during the last three or four years, very few of the high-class houses that were constructed in the old days are being built. Nobody has the money to build a $200,000 home or to live in it, if it is built. Good lumber is in very slow demand for that reason. Most of the houses being built in this day and time are small, cheap frame houses, usually finished in cheap yellow pine or western white pine. Hardwoods are not used very much.

Our career was coterminous with the boom in high-class building that existed through the 1920s. We were fortunate enough to have several boundaries of the very finest quality of timber that could be manufactured at that time. Our tract on Montgomery Creek contained a large quantity of wonderful poplar, mountain red oak, fine basswood, and other timbers of that class. We were lucky enough to cash in on this magnificent timber.

In cruising this timber, I was subjected to a good many hardships and difficulties. In one instance I rode a mule all day through the woods, returning to Mr. McIlwayne's camp on Nick's Creek after dark on a cold March night. I had crossed the mountain ridge in between Nick's Creek and Montgomery Creek, and the mountain trail was straight up and straight down. If the mule had not been surefooted and strong, we would have turned ourselves upside down half a dozen times on the gully that stood for a road down the mountain. I was very much relieved when I arrived back at Mr. McIlwayne's camp.

As a result of the purchase from McIlwayne, Lou Frank found himself in serious difficulties with the government. Frank's corporation was a small one with a very moderate capital stock, but Frank himself was an enterprising trader and a very active man. The United States government was en-

gaged in buying huge quantities of yellow pine to build its military camps throughout the country. According to the law, the Southern Lumber & Box Company was permitted to earn and keep only 8 percent of its capital stock. As its capital stock was only $30,000, the excess-profits tax took from the company all of the profits that Frank's enterprise had accumulated over 8 percent. It so happened also that the timber that I bought from them was acquired several years prior to the time I bought it. The price had been very cheap. I don't know what Frank paid for it, but the purchase price of $200,000 that I paid him must have been at least twice its cost. Mr. McIlwayne was desirous of withdrawing from the company and retiring, yet before he could get any money with which to purchase his partner's interest, the corporation had to declare a dividend. However, the corporation was not allowed to earn more than $2,400, and all the excess had to be paid to the government for taxes.

The profit on the timber and the profit on Lou Frank's trading in yellow pine must have been several hundred thousand dollars. The amount of his taxes must have been very considerable, and the amount of profit that he was allowed to keep must have been almost infinitesimal. Under these circumstances he could not resist the temptation to hold out on the government taxes. Frank was rather an unpleasant fellow and having antagonized one of his employees, the government was notified of his fraud. He very narrowly escaped the penitentiary. Only the influence of his friends and the generosity of the government under the circumstances of his temptation finally permitted him to escape from a jail sentence. It is difficult to blame Frank seriously for his errors. Temptation must have been very strong, and the government's confiscation of his profits very harrowing.

When I purchased this timber, McIlwayne already had purchased a mill and some railroad cars. The general outlines of the proposition were fairly well established. The only difficulties I had were to develop the sawmill and improve it in certain matters, increase the size of his tramcars, and purchase a new locomotive. I bought this locomotive at Norlina, North Carolina a station on the ACL Railroad a few miles north of Raleigh.[1] My trip to Norlina from Raleigh was made in a heavy snowstorm. From Norlina, I was compelled to walk for more than three miles in six or eight inches of snow to a little shed on the side of the road where the little locomotive

was stored so I could investigate and approve its purchase. I acquired one of the best locomotives we ever owned.

The development of our sawmill, the foundations for the lumber stacks and the eighty or ninety houses that were built for my employees used a total of more than one million feet of lumber.[2] I had to purchase about fifteen thousand dollars worth of machinery. When it was erected, the mill cost us more than fifty thousand dollars. Only the large quantity of timber on the land made it possible for the depreciation on the operation to be kept within bounds.

I estimated the timber at 35,000,000 feet, allowing for depletion of $5 per thousand. It afterwards appeared that the chestnut oak, hickory, black gum and other timber that I had not taken into consideration increased the total quantity to nearly 50,000,000 feet. Thus, the depletion on the timber should have been $3.50 per thousand. The income tax inspector first visited us after we had been depleting the timber for three years on a basis of $5.00 per thousand. He figured that we should have depleted it only at $3.50 per thousand, which would have considerably increased our income tax. I still believe that he was wrong and that we were entitled to a depletion of $5.00 per thousand, until it was definitely settled that our original cruise of 35,000,000 was wrong. However, he made us pay several thousand dollars additional tax on the three years that we had already reported. But the subsequent income tax inspector continued to allow us the $5.00 per thousand depletion, which made our income tax much less than we had already reported. The government had to refund to us $4,000 apiece.

This refund was made at a time when Jimmie Bush, a stockbroker, went into bankruptcy. All of Nat's refund was lost in his failure. My tax refund was retained and deposited in the bank for several years. It was finally loaned along with $6,000 of other funds to Mr. E. L. Gaston, on a first mortgage for a lot on Lexington Avenue in Asheville. I subsequently had to foreclose on this lot, and lost a considerable sum of money. So my tax refund was eventually lost, as well as Nat's.

The illustrations of luck that I have related usually were not continuous. Most men have a productive age after which luck no longer pursues them. Unless they are very fortunate and competent and retain their health, the money that they have so laboriously accumulated through the course of a

long and industrious life usually slips through their fingers. During my life of sixty-five years, I have been an observer of and a participant in four dramatic panics. Twice, I apparently have been wiped out financially. But by good fortune and arduous labor, I have managed to hang on to a little of this world's goods.

TWENTY-FIVE

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Periods of Economic Panic

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I want to give some description of the elements and conditions that brought about episodes of financial panic and my experience in them. The first one occurred in 1893, when I still was quite young and without much knowledge of the causes that brought about these conditions. Those opposed to the principle of capitalism constantly reiterate that these panics were brought about by overextensions in the production of commodities and the capacity to produce commodities as well as reckless speculation. The panic of 1893 followed an advancing period that had lasted from 1873 up to 1890, when signs of a letdown first became evident. It was partly due to the mania for stock speculation that a long period of prosperity had been engendered.

My father died in 1895, and I was winding up his business and collecting his insurance. I accumulated the sum of $11,000, which I deposited on time deposit in the First National Bank at Nashville. When he died, my father was the owner of $3,000 worth of this bank's stock, and the firm also deposited approximately $3,000 for immediate use in carrying on the business. In the spring of the year, signs of advancing depression became more noticeable and finally struck me forcibly. On Friday morning I went to this bank, drew out the $11,000, and put it in a lockbox at the Union Trust Company. The next morning the bank's doors were closed. It was three or

four years before they reopened. There was a great turmoil throughout the city, for most depositors felt that the money in the bank was lost.

I congratulated myself on having drawn out this $11,000 at the last moment. I bewailed the fact that my $3,000 was in jeopardy and that I might be called upon to pay the double indemnity on which the owners of bank stock were held liable. However, after several months of anxiety, the bank was reorganized. My only loss consisted of the stock. We received only $280 for our $3,000 worth of stock, and this was all that I have ever lost in a bank failure. I was only nineteen years of age at that time. It was only the judgment and decision that I exhibited that saved most of our money from being jeopardized by this bank loss.

The only other time I have been involved in a bank failure was when the Bank of Clayton failed, around 1931. My wife and I had decided to make a trip through the West with Mrs. John H. Powell. I received $3,000 from some property sold in December, and while we did not expect to make the trip until the following July, I deposited this money on time certificates with the Bank of Clayton. I thought that I might enhance the amount of the money we would have to spend by $50 or $75 by letting it bear interest for six months. While we were still making preparations for our trip and had started to buy our tickets, the bank closed its doors. We had no money with which to make the trip. Six months later, the bank was reorganized, and we received our entire $3,000, though we lost the interest and our trip. These two instances are the only two that I can recall where we lost any sum whatever by a bank failure, even during the flood of bank failures that deluged Asheville after the panic of 1929.

To continue with the explanation of the panic of 1895. The gold reserve of the United States was being depleted rapidly during the administration of President Grover Cleveland. It fell so low that President Cleveland was fearful that our paper money would have insufficient gold reserve with which to meet demands. The speculators for the decline were continually taking paper money to the Federal Reserve banks, against which they drew gold. Mr. Cleveland finally sent for J. P. Morgan and Company and asked them to buy a certain amount of gold for the federal treasury so that its reserve could be maintained. News of this fact precipitated an immediate panic. Stock values fell terrifically, and the production in all classes of com-

modities was enormously reduced. This brought about a vast amount of unemployment and suffering. It was during this period that Coxe's army of hoboes and unemployed workmen made its march on Washington. This army became so large that the railroads were almost unable to transport the men. They rode on boxcars, gondolas, and every other possible means of transportation. The only bad results of the panic, as far as we were concerned, was that our two storehouses that belonged to my grandfather and then were owned by my father's estate both were vacant, and our income was materially curtailed so that we had to limit our expenses.

The second panic was the financial panic of 1907. This was precipitated by the failure of the Knickerbocker Trust Company in New York. It was found that the directors of this company had used its money for a lot of wild speculation. As usually happens under those conditions, they found themselves unable to meet the demands of depositors and had to close the bank's doors. The reverberations were heard all over the country. For a year or eighteen months the commodity market was at a standstill. A great deal of unemployment, poverty, and suffering existed among the laboring people.

In the year 1914, when the Great War began, there was an immediate decline in the consumption of all classes of American exports. American exports were occupying a much larger part of the American economy than they do today. As a result, cotton fell to five cents a pound. There was no market for agricultural products such as corn, hogs, and wheat. The American farmer suffered greatly, as well as the industrialist and capitalist. However, this was only a temporary condition. In a few months there began an enormous European demand for all kinds of American commodities, as well as demands from other continents whose European sources of supply had been momentarily stopped by the war. Through the years from 1914 to 1919, the American businessman and the American laborer were prosperous. Their standards of living were much higher than ever before. In 1919 the demand became so ubiquitous that wild prices were paid for all classes of commodities. This was partly due to the failure of the American railroad system, which was taken over by the government during the war. The railroad system had been allowed to fall into great disrepair and disorganization. At this time, the price of lumber increased more than one

hundred dollars per thousand within a few months. Unfortunately for us, we were not permitted to profit by this tremendous advance. We could not get cars in which to ship our lumber. The advance was due largely to this condition.

In the summer of 1919 the speculation came to an end. The prices declined, and the demand fell off as suddenly and precipitously as it had advanced. We found ourselves facing a very difficult situation. We were firmly convinced that this panic was the great aftermath of the war and felt that we had several years of hard times ahead of us. We indulged in a certain amount of speculation in the production of our lumber, as everybody else had done, and when the precipitous decline came we found ourselves out on a very long limb.

In the fall of 1919 we had nearly $100,000 cash each. There was nearly as much on our books. Within six months we not only used up this money but had borrowed from the bank nearly $200,000. We felt that ruin stared us in the face, because we had a large amount of lumber on hand for which we paid high prices. All of those to whom we had sold lumber refused to accept it. During the month of August in 1919, rejections lost us $17,000 on seventeen carloads of lumber.

Our losses would have been much greater if it had not been that I took a trip to Cincinnati prior to the time the panic broke. I found the conditions there so exceedingly troublesome that I sent a telegram to Nat saying, "Under no circumstances buy any more lumber." This telegram arrived in Asheville just in time to prevent Nat from closing a trade with Mr. Latham involving more than $60,000. Latham was operating a mill at Andrews, North Carolina. When Nat received the telegram he told Latham that he could not buy any more lumber, that his brother was such a pessimist that he was interfering with any trade he attempted to make. Mr. Latham said, "Brothers always take the joy out of life." But I saved some sorrow in that instance. The conditions were much further advanced in Cincinnati than they were in Asheville, and I was put on notice that something was about to fall.

During 1920 we fought pessimism and thought we probably had lost a great deal of money. We shut down our mill and paid several thousand dollars to induce our loggers to cancel their contracts and stop logging. These conditions continued throughout 1920, 1921, and up into the year 1922.

In the capitalistic society, the phenomena that accompany these periods of depression parallel one another very closely. A period of intense prosperity and expansion is accompanied by financial speculation, accumulation of debt, and the vast increase of production. Suddenly, there comes a financial explosion. This usually is followed by a precipitous decline in commodity values, the calling in of all debts, a flight from money, and a tremendous decline in all kinds of property values. This is accompanied by widespread unemployment and usually by a vast amount of suffering and want. This brings a tremendous revolt and perhaps an effort on the part of some political leader to revolutionize conditions in the capitalistic society.

I don't believe that the substitution of political control for the automatic control of competition and capitalism will ever be successful unless there is a complete change in human nature. Political control always has been so corrupt and so great a failure that I see no promise in it. Whenever the government attempts any kind of business enterprise it has no safeguard against looseness or carelessness in management, because in back of the enterprise always is the taxing power of the government. In a private industry there is always the intense effort to make a profit, so that the result naturally is to reduce costs and increase efficiency. All of this is lacking in political control. My experience with various government agencies has been that in the long run the government is usually highly efficient in the accomplishment of its objectives, but it never has been able to have efficiency and economy at the same time.

It has been my opinion, without regard to what other people have thought, that Mr. Roosevelt's humanitarian instincts have driven him into revolutionary principles. He has, in his second administration particularly, laid undue stress upon the improvement of labor conditions and wages. Also, he has been thoroughly imbued with the idea that capitalism must be controlled and squelched and that wealth must be redistributed and the accumulations of wealth must absolutely be prevented.

No matter how much we may feel that those individuals may suffer who have to work with their hands for daily wages, it seems to me that the best system so far devised to earn wealth for the nation and insure the employee a higher standard of living, better working conditions, and increased security is the capitalistic system that we are living under. It has always made me very indignant at the slogan that the Communists and New Dealers cast

into the teeth of our capitalistic system. They carry their banners, which cry loudly, "Workers of the world, unite!" as if only those men who were doing daily manual labor were workers.

For the first twenty years of my life, I am quite sure that I was as hard a worker and a more unremitting laborer than any man I had on my payroll. I had no fixed hours for work. I frequently worked eighteen or twenty hours a day for days at a time, without any assurance that I would get my wages. I had several men on my payroll earning from eight to ten dollars per day and getting this sum regularly, regardless of whether I had it or not. I never have felt that my security was in any way equal to theirs. With good fortune and good management I was able to earn money faster than it could be taken away from me, but I always have lived in jeopardy and found it necessary to work overtime and under difficult conditions.

Rain and snow, heat and cold never have been allowed to stop the work of the lumber entrepreneur. I have never for an instant been able to admit that when the workers of the world were called upon to unite in resistance to my exploitation and encroachment, this cry on their part was in any way justified. Nor have I believed that Mr. Roosevelt's New Deal theories have done anything except to soften the people and destroy the American habits of thrift, fortitude, and industry. These habits were first preached by Benjamin Franklin in *Poor Richard's Almanac*, before the Revolution.

I have never been able to admit that I was a wild man during the 1920s and that my efforts along with all the other capitalists brought about the poverty and destruction that ensued after the explosion of the 1929 panic. What I did between 1919 and 1929 were the natural and normal actions of a man who was levelheaded, honest in purpose, thrifty, economical, and careful as could possibly be imagined. After the first purchase that Nat and I made in 1919 on Montgomery Creek, the demand for lumber became so insistent that we felt it wise and safe to expand our business. In 1924 I bought seventy-five hundred acres of timber on Bull Creek and Little Bull Creek in Scott County, Tennessee, from Mr. Dwight Meigs. About five thousand acres of this land lay on these two streams, and the area extended across the top of the Cumberland Mountains. We put back into business the excess earnings, because there was a demand for it.

When I went to examine this territory, I found that a small area lying

below my timber was being operated by the Haywood Coal & Lumber Company. This area had been purchased by a young man named Leonard. He graduated from the Technical School at Knoxville as an engineer, purchased the Haywood mill, rebuilt and rearranged it, and was engaged in sawing lumber. He was not a very good operator, but he had a broad, humanitarian view of his employees and of his obligations as a capitalist. His wife organized a Sunday school and hospital, and together they were attempting to operate in a broad-minded and humanitarian way.

At this time I had very little knowledge of the humanitarian manner of operating industry. I always felt that the lumber industry was a difficult and dangerous job and that to be successful the operator must be hard-boiled. Generosity and liberal dealing were not safe methods of conducting a lumber enterprise. Therefore, when I found that Leonard's timber did not amount to very much and that to continue his operation he would have to acquire my timber, it did not enter my mind to be helpful to Leonard. I thought only of driving the hardest and most satisfactory bargain I possibly could.

At the time I met Leonard, he was dealing with a concern in New York and getting the money from them with which he was putting the lumber on sticks. The New York concern, a Jewish firm, was taking a mortgage on Leonard's mill and lumber and already had made a very hard bargain with him. It seemed to me that Leonard's operations would not be successful. If I continued to furnish money to him, I ran great risk of losing what I put into the proposition. Therefore, I changed the system of taking lumber under a mortgage. This principle of law carries with it the risk that some way or another the mortgage might be overthrown, and outside creditors might seize upon the property for other debts of the mortgagee.

I drew up a contract with Leonard by which the lumber was graded as it came from his mill. At the end of the lumber dock it passed into my possession to a new lumberyard, practically in pawn. I felt that this simple manner of dealing with the lumber would probably make my advancement secure. If Leonard failed after having obtained all the credit he could elsewhere, I would be able to hold the lumber against the encroachments of the other creditors.

After four or five months of operation, Leonard's job failed. He had

obtained credit to the extent of $50,000 or $60,000 from other persons, over and above the $160,000 that I advanced him. He went into bankruptcy. I received a notice to appear before the referee in bankruptcy in Knoxville. When I arrived there with my claim of $160,000, I found thirty or forty lawyers assembled. Each one was representing some creditor, small or large, and each one was trying to find some loophole in any contract by which they could throw me out and substitute their own claims for mine.

I received one of the nicest compliments given to me inadvertently that I have ever received in that courthouse at Knoxville. My lawyer was a young man named Bob McConnell. When it came his turn to present his case, he stood up and said, "If your Honor please, this contract which Mr. Gennett holds is rather crudely drawn, but I feel it will stand any scrutiny." At the same time another young lawyer who had made every effort to knock out my contract leaned over and said to me, "Did he say crudely or shrewdly?"

I have always felt a great regard for Leonard and a great regret at the outcome of his enterprise. He was a fine young man—inexperienced, however, in the lumber business and I think probably not sufficiently hardened to the wear and tear of business life.

During this period, business was flourishing. Wages were advancing, and the Gennett Lumber Company, in addition to two band mills in Campbell County, Tennessee, had numerous circular mills in operation in Haywood County and Madison County in North Carolina. For a period of more than ten years, our production of lumber averaged fifteen million feet per year, and our sales amounted to nearly $700,000 a year. There were no clouds upon the business horizon, and we were prospering greatly.

About this time I also received another rather bitter compliment from the young Jew with whom I had been dealing. He was a man of very fine mind and of great intelligence. He came to Asheville to visit me, and we had two or three days of hard, rough-and-tumble fighting over the purchase of the Leonard lumber and the contract to be drawn in regard to it. After we got through our trade he came out to see me, and we had a pleasant visit together. Owing to the fact that this young Jew had come to America from England, a question was raised in regard to the effect of the "melting pot" on American life.

I told him I thought I was about as good an illustration of the effects of

the melting pot as could be found, because in a very few generations I had English, Scotch, Irish, Holland Dutch, French, and Italian in my family. He paused a moment and said, "Mostly Scotch, Mr. Gennett, mostly Scotch." I thought that probably must have been the case because I had held my own with the son of Abraham. It is said that only persons born in eastern Tennessee are too much for the favored race of Jehovah. I was not a native son but only a resident of eastern Tennessee. I felt I had received a very flattering compliment from my opponent.

In 1925 a great land boom occurred in Asheville. For months we kept out of the whirlpool, but, seeing the ease with which other people were buying and selling land, Nat and I finally lost our heads and entered into the game. This was the only business transaction of which I have been thoroughly ashamed. I cannot understand how it happened that I became involved in this land speculation, which was based so evidently on nothing but imagination.

One of our earliest transactions appeared at the time to have been a stroke of genius. My brother, Nat, employed three real estate agents. Within one day, they succeeded in acquiring options on pieces of land on what is now a triangle between Southside and Coxe Avenues in Asheville. These options were for a sum of $108,000, one fourth of which was to be paid in cash. I thought this was a very skillful manner of acquiring land. If we attempted to get it a little at a time and allowed any information to get out, these landowners instantly would have raised the price enormously. As it was, we acquired all of these lands at an average price of about $200 per frontage foot, which I thought was very reasonable.

This occurred in September 1925. Before the following April we sold this land. It amounted to more than five hundred front feet and brought a price of $375,000. This appeared to us to be an enormous profit. However, only one fourth was received in cash, and a large part of that went to real estate brokers. Subsequently, we collected enough from the purchasers to bring us out just about even. The only thing we actually lost on this transaction was the profit we were supposed to have made and the income taxes we paid on part of the fictitious profit collected. (At present the land is assessed for taxes in the amount of $6,840. It is questionable whether we could find a purchaser for this vacant land even at that low price.)

The purchase and sale of this land had one very bad effect, however. We put an enormous amount of notes into our lockboxes that we supposed to be good. This induced us to continue our speculations still further. We purchased two tracts of land on the Vanderbilt Concourse for which we paid approximately $55,000 apiece. We subsequently have had to pay interest and taxes on this land for more than fifteen years, so that our losses must have amounted to nearly $200,000 on those two purchases.

It was these two purchases and the scarcity of cash that they brought that made it so difficult for us through the years of the Depression and also gave us a narrow escape from being wiped out. Looking back on those transactions, the only thing that saved my morale and made me realize that I was not quite as big a fool as appearances made me to be was the fact that we had purchased a little piece of land in western Asheville on Haywood Road.

This piece of land was about as big as a pocket handkerchief and was supposed to be suitable for a filling station. For this infinitesimal lot we had paid $13,500, about thirty times what it was worth. In three or four days we sold it to three of the smartest, most thrifty, and careful businessmen in Asheville. When I realized that these men paid us $15,000 for that piece of land, I readily excuse myself for having entered into and becoming entangled in this ridiculous game of speculation. Many brilliant and successful people were ruined by it.

These wild, speculative dealings in real estate subsequently brought on the bank failures that afflicted Asheville in the years 1930 and 1931. They also have tremendously increased the affliction of the last ten years of hard times. As a consequence of those speculations and bank failures, a great many people here have lost everything they had in the world. Great hardship, anxiety, and depression have been caused; also many suicides, illnesses, and other difficulties.

So far as my own situation is concerned, practically all the troubles that my firm has been compelled to undergo resulted from this real estate speculation. Since the year 1926 to the present time, our lives have been filled with anxiety, worry, and depression. My wife's ill health and my paralysis have been the direct result of this episode. I feel quite sure that if we had lost all of our money at once, we quickly could have recovered our poise

and nerve. But to find that everything we undertook for years and years turned out adversely and to lose on every transaction that we attempted, time after time, wore out our hope and our enthusiasm.

As an illustration of this, after the stock market panic of 1929, I became convinced that the country was going to pass through an era of depression such as seen in 1893, 1907, and 1920. But I was misled into thinking that the panic of 1920 was really the great postwar depression and that this new depression would be quickly dissipated. I had been thoroughly imbued with the old saying of Commodore Vanderbilt (one of our great financiers) that it was "foolish to sell America short." I felt certain that in a short time the prosperity of the country would return, and we would again be on the upswing.

My brother, Nat, naturally an optimist, in the meantime was bringing pressure to bear upon me to invest some of our surplus funds in stocks. He argued that stock prices already were very low, and when business once more recovered these prices would be enormously increased. We passed through two great declines in which I resisted every pressure brought to bear upon me to purchase, but I did not have sense enough to sell short. Finally, when the third great decline started around 1932, I felt we could very safely invest in stocks. I conceived stocks then to be at their lowest ebb.

Nat and I purchased on margin approximately $40,000 worth of assorted stocks. We bought a great diversity so that there would be no possibility—we thought—of all of them going down at the same time. But we failed to count on Mr. Roosevelt's foolish experiments in social justice. Within a few months after we had made this purchase another great decline set in and continued until the spring of 1933. Then Mr. Roosevelt called the bank holiday, and all stock values reached their lowest ebb.

We were compelled to put in additional money to keep from being sold out. When at last we purchased practically all of our stocks outright and put them in our safe, their value was about $3,800. The purchase price had been approximately $40,000. We paid for these stocks in the sweat of our brow, so we resolved to hold them. Eventually, in 1936 the price recovered enough to bring us out even. I resolved never again to indulge in stock speculation.

However, in the fall of 1936, when the "Roosevelt recession" began, I

again was induced to invest. We sold our land in Graham County and had a surplus of funds that had to be invested in some interest-bearing manner. Again, we bought about $40,000 worth of stocks. Then we passed through practically the same conditions, and the stocks declined more than $15,000. Rather than risk being sold out and suffer this heavy loss, we purchased the stocks outright, paid for them, and put them in our safe. We hoped that sooner or later the values would recover. We made up our minds that as soon as they had recovered sufficiently to bring us out even we would sell, get out of the market, and stay out. This always is easier said than done.

In the spring of 1937, prices again recovered. We found ourselves within $700 of our original purchase price. We should have sold out at that time. The prices remained at this peak for two days only, and before we could make up our minds we found ourselves with a loss of about $15,000 on these stocks. Nat and I are still hopeful, though every time we raise our heads Mr. Roosevelt does something to beat down the confidence of businessmen, and the stock market again goes into a decline. For the past four or five months other causes have combined with our national political causes to prevent the recovery of business. The European situation has been constantly threatening. Whether we can ever get back our money is a very grave question.

TWENTY-SIX

Resumption of Timber Purchases for Speculation

In the year 1924, Nat and I made a timber purchase from the Brunswick-Balke-Collender Company, a wealthy corporation in the business of manufacturing pool tables, billiard balls, and bowling alleys. They offered to sell us a tract of timber that they had been unable to manufacture successfully on Stony Fork Creek in Campbell County, Tennessee. Also, they had a mill and a lot of machinery that was offered to be included in the sale. The timber was very high in price but very wonderful in grade. I debated for a long time whether we should undertake this transaction. The purchase price was approximately $250,000, a large part of which had to be assumed in debt.

We had a tremendous amount of notes due us in our safe and a huge volume of lumber on sticks. These were classified as quick assets. There seemed to be a very fair profit in the transaction, if properly planned and managed. I was very much alarmed, however, at the volume of debt that we were carrying at that time.

In this trade with the Brunswick-Balke-Collender Company, the largest part of our lumber costs were fixed charges such as stumpage, railroad costs, and mill depreciation.[1] In case of a decline in value, these charges

would remain necessarily immobile. Therefore, the only possibility to reduce costs to conform to a reduced selling price was to cut the cost of wages. I knew this would be difficult if not impossible to accomplish. I entered into this Stony Fork transaction with a great many forebodings, even though we could figure a profit of eight dollars per thousand in the manufacture of the lumber.

Unfortunately for me, Nat's health was very poor. He was overwhelmed with anxiety about his wife, who also was sick. His pep and enthusiasm about selling lumber had fallen to a low ebb. This combined with the difficulty of moving high-grade lumber, which was continually becoming greater as the demand for office buildings, public buildings, and high-priced dwelling houses fell off, made it impossible for us to continuously sell our output and run the mill. I was compelled to shut down the mill for two or three months each summer. This not only added considerably to the cost but delayed our operation to such an extent that we were caught in the panic of 1929. We had about three months' supply of timber yet to cut and a large quantity to sell when we should have been through and out.

On December 31, 1929, we owed $541,000. Our assets apparently were three or four times that much, but I had just talked with Colonel Fries, president of Wachovia Bank & Trust Company, who warned me of the possibility of a panic. The value of these assets had cast a considerable doubt in my mind as to the character of the debt that we were carrying.

In the fall of 1930 I assembled my employees. Most of them were farmers when not engaged in lumbering, and in the spring they would be ready to go back to their respective farms. I laid the matter before them. I told them that I would like to keep them on during the winter, but unless there was a considerable reduction in their wages so as to reduce the cost of the lumber produced, I would rather let the timber stand. All these men agreed to accept a cut in their wages equivalent to about 20 percent. So I came over to the Wachovia Bank & Trust Company in Asheville and borrowed the forty thousand dollars. I used this money to finish cutting the timber and in manufacturing the lumber.

During the year 1930 our sales fell off from an average of fifteen million feet a year to six million feet. I also was able to materially reduce production. Yet there were certain tracts of timber that had to be cut, so that our

production was over nine million feet at a cost upward of $100,000 over and above what we were able to sell. In the succeeding year of 1931 and subsequent years our sales fell to less than two million feet.

We had no money with which to start a new operation at the reduced prices, even if we could have sold what we already had on sticks. This amounted to nearly seventeen million feet. For more than six years we continued to dawdle along, averaging sales of around two million feet. This gave us barely enough money to pay our taxes and insurance, with a very moderate amount to live on.

In the year 1926, the year in which we made our last timber purchase, we bought a tract of timberland in Graham County, North Carolina. The tract was on Santeetlah Creek, Deep Creek, and Bear Creek. It amounted to more than twenty thousand acres, for which we agreed to pay more than $455,000 (which bore interest at 4 percent per annum). This was intended to be a speculative purchase.

We had stopped speculating in timberland for ten or fifteen years prior to this, and all of our purchases since had been made for the timber only, to be paid for as cut. This was on account of the fact that a vast quantity of red gum, black gum, and swamp timber of various other kinds had been placed upon the market, and the demand for mountain hardwoods appeared to be continually declining. Speculation in mountain lands was becoming more and more difficult, according to the law of diminishing returns.

If a speculator purchased a tract at $2 per acre and sold it for a profit of $2, he made a 100 percent profit and had a sufficient margin to pay taxes, interest, and other expenses. But if a speculator bought land at $20 per acre and made $2 per acre profit, his earnings amounted only to 10 percent, which would not carry interest, taxes, etc. This was called the law of diminishing returns. The higher the purchase price, the less the possibility of earning a fair profit on the speculation.

On this account, we had withdrawn from the speculative market in 1916. We sold all of our timberland and were free, we thought, to devote our entire time to the manufacturing of lumber. But in 1926 the price of swamp timber had gotten so high as to return once more the pressure of furnishing the higher grades of hardwood for the furniture factories and planing mills. This high-grade hardwood timber grows in the mountain

forests, and we conceived that the time for investment in timberland was again ripe.

About this time Mr. H. C. Bemis, a lumberman from Bradford, Pennsylvania, came into Graham County.[2] There was a large tract of timber there of more than forty thousand acres. The tract had been sold ten or twelve years before to the Whiting Manufacturing Company. The Whiting Manufacturing Company placed a bond issue on this tract of land through an English banking concern known as Investment Registry, Ltd. This bond was more than $2 million. The bondholders had been compelled to take over the property, and Investment Registry had since been trying to dispose of it to lumber manufacturers. Mr. Bemis negotiated with them and made a trip to London. I think he offered them $750,000 for the property. However, the loss was so great that the bondholders rejected the price.

Also about this time Mr. Dana C. Burns, a local agent for Investment Registry, Ltd., approached me and urged me to make a bid on at least a portion of the property, as I told him I would not be interested in the whole tract. Mr. Bemis and I got together and decided that if we bid against one another, only the English people would profit by our bids. Therefore, we decided to divide the property between ourselves. He was to take the sixteen thousand acres on Buffalo and Snowbird Creek, while I was to take the twenty-five thousand acres on Santeetlah, Bear, and Deep Creeks.

Just about the time we wired in our bid, information was furnished to us that Champion Fiber Company's Mr. Reuben B. Robertson was in London with his wife on other business.[3] Robertson had called on the Investment Registry and offered them eight hundred thousand dollars for the property. This raised our price more than fifty thousand dollars and made it very difficult for us to compete with them. They were particularly interested in the hemlock timber on the boundary, while we only were interested in the hardwoods.

The whole upper end of the Santeetlah Creek property consisted of about five thousand acres and was covered with a dense stand of hemlock. Upon learning of Mr. Robertson's move, Bemis and I cabled him. We informed him that we expected to bid on this property and that competitive bids would be disadvantageous to us all while redounding to the benefit only of the English bondholders. We suggested that he close no trade until

first he returned to Asheville and discussed the matter with us. When he returned, we had a meeting in my office, where it was agreed that Mr. Robertson should present his bid of eight hundred thousand dollars. It appeared very likely that this bid would be accepted, and the property should then be divided between the three of us pro rata.[4]

I thought that I was getting the worst end of this arrangement. While Mr. Robertson agreed to pay $6.66 per acre for the hemlock on the entire boundary, most of the hemlock on my part was on one unit area of 5,000 acres at the head of the creek. He and his associates insisted that they would take the 5,000 acres at the average purchase price that we were paying for it. Then they refused to pay the $6.66 per acre for the hemlock on the remainder of any territory. They also took an area of 7,000 acres that lay on Buffalo Creek at the original purchase price and agreed that Bemis might have the hardwood on a basis of $13.33 per acre, while I was paying more than $20.00 per acre for our part of the land. Robertson and associates insisted that the purchase price I had to pay for my 19,000 acres on Santeetlah Creek should be increased by $1.60 an acre, while the purchase price for Bemis's Snowbird land was reduced by $6.66 per acre, which Robertson was paying Bemis for the hemlock on his part of the land.

Again, this appeared to give us the worst end of the transaction. We paid approximately $22.00 an acre for our 19,000 acres, while the purchase price of Robertson's 5,000 acres on Santeetlah was reduced in proportion. He and Bemis paid $21.50 per acre on the area, which they divided. Robertson got the hemlock, and Bemis got the hardwood.

However, subsequently it appeared that 6,000 acres of hardwoods that lay on the north side of the Santeetlah divide drained by the waters of Bear Creek, Deep Creek, and Barker's Creek were better timbered than we had thought. Within six months from the time we purchased it, I had an offer from the Kitchen Lumber Company to purchase the 6,000 acres of timber for $196,000. I was suffering at the time from a severe illness but met Kitchen at Knoxville and closed the trade with him. To some extent this equalized our purchase price.

The Champion Fiber Company, in making this trade with Bemis and Gennett, required that we should also individually sign the notes that they had to sign for Investment Registry. It did not occur to them that they

were guaranteeing our notes, as well as we were guaranteeing theirs. Subsequently, in 1932 the Bemis Lumber Company defaulted on the payment of its notes. Gennett Lumber Company had paid half of its notes, together with the accrued interest. This amounted to nearly forty thousand dollars, but we were unable to pay the balance of the notes due and obtained an extension from Investment Registry. Champion Fiber Company assisted us in obtaining this extension. This situation led up to the transaction that I have always considered as being the most brilliant of our financial accomplishments.

The transaction in regard to the purchase of our notes by the Wachovia Bank & Trust Company was first broached between Nat and myself at a conversation on the seventh of December 1932. At that time, the British exchange was selling at about $3.20. The difference in that exchange was mentioned, and Nat remarked that we ought to be able to profit by it in some way. I said the situation was against us, as our debts due on December 15 were payable in dollars. That would give the British bondholders a great advantage. Later on, it appeared to me that there was a chance to deal with them on account of the fact that the debt was not all due at once. It would be payable during the succeeding four years, during which time exchange might not only return to par but go above par. This would leave the bondholders at a disadvantage.

Subsequently, on the fifteenth of December we had a conference with Mr. Robertson, Mr. Damtoft, Mr. Bryant, and Mr. Smith at Canton, North Carolina, in regard to the extension of part of the debt owed by Gennett and Bemis and that they were unable to pay.[5] This suggestion was made by me, and Mr. Robertson was urged to see if the money could not be gotten by the Champion Fiber Company. We all thought Champion had plenty of money. Champion Fiber Company sent a cable to the president of Investment Registry in London requesting a four-month extension.

Mr. Bryant, Mr. Smith, and Mr. Robertson appeared skeptical that anything could be done about the purchase of the debt. Mr. Robertson wanted to know where the money would come from. I told him that as I had furnished the idea, it was up to him to furnish the money. Doubtless, he had plenty from the sale of national park lands that was just then being consummated. But he said that the idea was interesting and worth considering

yet did not commit himself further. The matter was then dropped. Only Damtoft showed interest in and sympathy with the idea.

I took the matter up with other capitalists in Asheville, New York, and elsewhere. I finally broached the subject to Mr. Gilbert Morris, chairman of the Asheville Branch of the Wachovia Bank & Trust Company. The president of the bank refused to consider it. I later learned that the Asheville branch of the Wachovia Bank held Bemis's note for $30,000 and considered it practically lost. I intended at this time to pursue the transaction without regard to the Champion Fiber Company, which had been indifferent to the deal. In fact, they had practically turned the whole matter down.

Again I presented the matter to Mr. Gilbert Morris. I proposed to assume payment of the Bemis note for $30,000. This appealed to Mr. Morris, who offered to present it to Wachovia's board of directors at Winston-Salem. At the same time, he suggested that it was advisable to take Champion in on the deal. Early in January 1933, Mr. Morris, accompanied by myself, appeared before the board of directors of the Wachovia Bank and made an application for a loan not to exceed $160,000 (we had gotten up about $10,000 personally). The loan would be payable in six months with interest at 6 percent.

Mr. Robertson was one of the members of the board of directors of the Wachovia Bank. He was present when this application was made but withdrew from the meeting when I was talking in regard to it and gave no support to my effort to obtain the money. Mr. Hanes had told me they would probably let me have the money, however, only on the condition that the Champion Fiber Company reiterated the fact that the outstanding notes to the Whiting Manufacturing Company were legal obligations of the Champion Fiber Company and that it would see that these legal obligations were promptly paid when due.

By withdrawing from my conference with the board of directors, Mr. Robertson made the board feel that he did not sympathize with my application. After four or five days had elapsed without any word from Robertson, I sent him a letter that among other things proposed to divide any profits gained from this transaction. Mr. Robertson seemed to feel that my offer of dividing the profits was not acceptable. Therefore, he did not wire the Wachovia Bank for several days. In the meantime, I was left in doubt as

to whether the money would be furnished or not. Finally, on January 24, after a delay of twelve days, I received this telegram from him:

ANDREW GENNETT
HOTEL NEW YORKER
AM WIRING WACHOVIA AS FOLLOWS. REFERRING GENNETTS DISCUSSION WHITING LAND MATTER THE NOTES EXECUTED BY US IN PURCHASE OF THESE LANDS CONSTITUTE LEGAL AND BINDING OBLIGATION AND WE EXPECT TO PROTECT THEM AS SUCH AT MATURITY. WE HAVE NOT WORKED OUT ALL DETAILS WITH MISTER GENNETT BUT ARE GIVING THE WHOLE MATTER CORDIAL CONSIDERATION.
REUBEN B. ROBERTSON

Following this telegram, I received a letter from Mr. Robertson in which he stated that the Champion Fiber Company refused to bear any part of the cost of the Bemis note. Also, he insisted that in prorating the net possibility of profit before the pro rata was made, his company's December payment must be treated as if not paid to any greater extent than mine. This delay, from early January to January 24, had gotten considerably on my nerves. After receipt of that telegram I sent him another letter.

Mr. Robertson paid his installment of December 15, while Gennett Lumber Company obtained an extension from Investment Registry on its part. A difference of opinion arose as to the trade with Investment Registry. There were two details in which Champion Fiber Company and Gennett Lumber Company were at odds. One was the question as to whether the savings should be prorated after the cost of the Bemis note had been taken out, or whether Champion Fiber Company should bear any part of those costs. Another was as to the pro rata of the savings. Champion Fiber Company's attitude was that the savings should be prorated as if they had not paid any part of their due debt. We both agreed that Bemis should not participate in the savings, as it was doubtful he could meet any part of his obligations as they fell due, in which case, of course, Gennett Lumber Company and Champion Fiber Company would have to do so for him. There was a conference between Champion Fiber Company and Gennett Lumber Company on the thirteenth of February 1933. Thereafter, Gen-

nett Lumber Company and Champion Fiber Company entered into a written contract in regard to the purchase of the notes by the Wachovia Bank and the division of the savings.

It was agreed that Mr. W. J. Damtoft, assistant secretary of the Champion Fiber Company, and I should proceed to London and make the best trade possible with the bondholders' representative, Investment Registry, Ltd. At that time Gennett Lumber Company did not have the money for this trip, but an opportunity arose to sell fifty thousand feet of oak lumber at a very low price. We proceeded to do so and received $750, which I used in making the trip to London.

After the execution of the contract, Mr. Robertson very cordially cooperated in all of the remaining complications of the transaction. Mr. Damtoft thoroughly understood all of the difficulties and was of great value in working out the details of the division of savings. We left New York on the French liner *Champlain,* and Damtoft was a very pleasant companion on the voyage to London and back.

In London we reached an agreement with Investment Registry, but the Irving Trust Company cabled and refused to consent to our method of procedure. This held up the entire transaction. Mr. Damtoft and I cut our trip short and took the first and fastest steamer back to America, which happened to be the German steamer *Bremen.* I went through a great deal of anxiety and distress while these matters were dragging their slow length along, as I anticipated that the value of exchange would be changed any day.

In the early part of May I made a trip to Winston-Salem to see Mr. Shoffner, trust officer of the Wachovia Bank & Trust Company. Unfortunately for me, I was suffering from a severe attack of sickness and headaches and was unable to present my case with any intelligence or force. I returned defeated but made an immediate application to my and Nat's insurance companies for a sufficient amount of cash to carry on.

Mr. Robertson seemed to feel that the Bemis Lumber Company should participate in the transaction so that they would be stimulated to make every effort toward the ultimate payment of their debt. I finally consented that Bemis should be taken into the partnership with us. This transaction and division of the savings was so complicated and so difficult to work out that it was some years before it finally ended. During all of this time,

we were exceedingly anxious about the possibility of a further default on the part of the Bemis Lumber Company. Bemis's obligation was around $80,000, and if he had defaulted, we would have had to pay 66 and ⅔ percent of that $80,000. This would have been a difficult task for my firm to undertake during the dull years of the Depression.

This is merely an outline of the entire transaction, which was one of the most doubtful and difficult that I ever was engaged in. The fact that I finally brought it to a successful conclusion afforded me great gratification.

In the spring of 1934, Gennett Lumber Company was in dire straits for money. At that time, we were the owners of twenty thousand acres of land in Graham County on Santeetlah Creek and on several creeks flowing south from the Santeetlah divide. On these three creeks (Deep Creek, Bear Creek, and Barker Creek) the timber had been very largely cut off. However, there was still a large quantity of hemlock left up around the high mountains of Hayover and Hangover.[6] Therefore, I felt that if we could sell the land that the government wanted for a decent price but reserve the uncut hardwood timber on the Santeetlah side of the mountain, we could immediately build a mill and start our men to work. We could give employment to about one hundred men in the woods and at the mill.

At that time, the government had bought a large area of cutover lands in western North Carolina.[7] Up to that time, the average price for these cutover lands was $5.51 per acre. Immediately, I got in communication with the Forest Service officials and offered them these twenty thousand acres at $4.00 per acre, reserving the timber. The Forest Service informed me that the policy of the government was to pay not more than $1.50 per acre. This seemed to me to be wholly unwarranted in price, and I began to make preparations to combat the price.

Mr. Damtoft, Mr. J. G. K. McClure, and others accompanied me to south Georgia to talk the matter over with United States senator Walter F. George of Georgia. We finally persuaded the senator, who was a member of the National Forest Reservation Commission, to arrange with the commission to give us a hearing on this question of price. This was my first introduction to the New Deal personally and the only time I ever came into contact with Mr. Harold L. Ickes.[8]

When we went before the commission and I presented our case, Mr.

Babcock, a leading Pennsylvania lumberman, Mr. Kitchen, a prominent Kentucky lumberman, Mr. Damtoft, and others appeared with me. I was not fully posted as to the extremes to which the members of the New Deal were willing to go in the punishment and persecution of business. Therefore, I was very much surprised at Mr. Ickes's diatribes.

I tried to present my case, which was that if the government would pay us somewhere in the neighborhood of what they had up to that time been paying, we could start the wheels of private industry rolling. We could take care of more than one hundred men and their families, to that extent relieving the government from relief expenditures.[9] Mr. McClure and Mr. Damtoft backed up my statements. Mr. Ickes hooted at this idea. He said that the private capitalists who had gone into the woods to buy land and speculate on it had no right to expect any consideration from the government. He said that the price of all commodities had declined tremendously, and the price of $1.50 per acre was in line for cutover land, which previously had sold for $5.51 per acre.

The government was straining every effort to maintain all other commodity prices and was joining hands with the labor unions to increase labor prices. I saw no reason why timber prices should be so suddenly reduced without any other cause except the antagonism toward manufacturers and landowners. I was very much disappointed at this attitude, and I feel even now that my principle was sound and that the administration's theory was totally unsound.[10]

The government had been paying for relief in Graham County for the last three or four years to the extent of $300,000 to $400,000 per year without any result that I could see except to make people more dependent than ever. By purchasing my land at a reasonable price and giving me the money with which to operate, there would be much less reason for relief expenditures of any kind. However, I had to acknowledge myself defeated and to some extent humiliated by the hectoring of the National Forest Reservation Commission and Mr. Ickes. I don't think I made a very favorable showing in this incident. However, the government afterward paid us $400,000 for the land and timber. I had asked less than $100,000 for the land exclusive of the timber, which I intended to manufacture into lumber.

The Gennett Lumber Company made great exertions and succeeded in

raising a small sum of money. We began to move our Smoky Creek mill in Tennessee to a location below the Santeetlah Dam, where there was a level piece of land. We obtained a lease on the land from the Aluminum Company of America. This lease was very carefully drawn by their private attorney, and all of their high-priced men were employed in this transaction.

We built three houses at this location: a boardinghouse for employees, one for our superintendent, and one for our bookkeeper.[11] I surveyed the switchbacks necessary to grade our railroad from the water level up to the gap at one end of the dam, and we started to build this road. We brought some of our tramcars and our locomotive from Tennessee. I spent approximately twenty thousand dollars on this road and on the work of building the houses and transporting a lot of steel rail and machinery from Smoky Creek.[12]

About that time Mr. Wolfe, southern superintendent for the Ritter Lumber Company at Columbus, Ohio, appeared upon the scene and began to cruise our timber. He was very favorably impressed with the quality and amount. I went to Columbus with my attorney and entered into a contract with the company. I agreed to sell them this land at twenty-six dollars per acre. The land was to be surveyed and abstracted. The Ritter Lumber Company reserved the right to reject the land if the abstracts did not satisfy them as to the title.

I spent more than a year working on these titles, and I thought I had gotten them in very good condition. Certainly, they were good, merchantable titles such as are commonly accepted in this part of the country. But Mr. Bell, who was the attorney for Mr. Ritter, was a technical and exacting man. He found every conceivable fault with the titles, many of which I deemed unreasonable.

Mr. Jones and I went to Columbus again and tried to persuade Ritter to change his point of view. Gennett Lumber Company was in very straitened circumstances, and this sale seemed almost to be a matter of life and death to us. I thought that Mr. Bell was trying to take advantage of our financial condition to drive a hard bargain. I resolved that I would not be squeezed. Therefore, we canceled the contract and went ahead with our efforts to build a mill. Yet I saw no way by which we could get the amount of money necessary to erect and operate that mill, because it would take at least two hundred thousand dollars.

This disappointment bore very hard on me. Taken in connection with the ten or twelve years of anxiety and depression through which I had been struggling, it left me in a very weakened condition. I had also been diagnosed for a gallbladder disease and spent three or four weeks at Battle Creek, Michigan. As soon as I had regained a little of my strength, my wife went with me to Baltimore, where the gallbladder was removed. I suffered considerably after the operation, my nervous system being completely shot because of the long strain of the Ritter failure and the other financial difficulties.

In the meantime, we had purchased the timber on a boundary of thirteen thousand acres near Toxaway, North Carolina, owned by the Wolf Mountain Lumber Company. Around the beginning of April in 1935, I went up in my car to where we had just finished the erection of a mill near the clubhouse of the Wolf Mountain Fishing Club. The ranger for the club, Mr. Nicholson, met me and went with me over to a stream known as Neddie's Creek, which was a steep, rough stream but fairly well timbered. I left my car about a mile from his house near the top of the mountain, and we went over to the creek for the purpose of picking out the mill locations.

About eleven o'clock that morning on April 5, 1935, we arrived at the mouth of the creek, which emptied into the Tuckaseegee River. Suddenly, I was seized with a sense of dizziness and nausea but no pain. After a few moments this passed away. My companion and I crossed over the divide between Neddie's Creek and Wolf Creek and found ourselves on Wolf Creek, where we were seeking a mill location. We were approximately two miles from his place. At this time I suffered a stroke of paralysis, which I have detailed previously. After several months of illness, I recovered sufficiently to engage in business once more. In the meantime, Nat pursued the discussions that I was having with the United States Forest Service in regard to the sale of the Santeetlah land.

A crew of young foresters went over the Santeetlah lands with me.[13] We started at the Tapoco Dam Hotel and went up Bear Creek, then turned to the right and up the old Indian trail between Bear Creek and Slick Rock Creek, which was for a long time the dividing line between Tennessee and North Carolina. Near the top of Hangover Mountain we found a small spring and had our lunch. We then turned over the divide onto the head of Little Santeetlah Creek, more than five miles from its mouth. This entire

body of timber was very fine, and every time we opened up to a new vista a finer body of poplar timber and mountain red oak appeared. When we finally reached Poplar Cove, the trees had matured to an enormous size and were quite plentiful.

The young foresters were delighted with the appearance of this timberland and were anxious for us to offer it to the government. I confess it was with a good many misgivings that I entertained this idea, thinking that under the present governmental attitude of dislike and hatred toward the capitalist, they would cruise our lands with a view to depressing its price. I knew that if they returned an adverse cruise we could never sell that territory to any other purchaser, because the government cruise would be sufficient to stigmatize the land as undesirable.

My brother, Nat, had a great deal more courage than I and insisted that we offer the land to the government and take a chance on their cruise being favorable. Finally, when I was very sick, Nat and I signed a tender to the United States that Nat carried to Franklin and presented to the forest supervisor. We decided to present this tender at twenty-six dollars per acre. On the way over to Franklin, my son Carter persuaded Nat to increase the price to twenty-eight dollars per acre. It should have been thirty dollars, though we never considered that the government would accept our offer. Very much to our surprise, the government cruisers were entirely satisfied with the timber and asked us to convert the tender into an option, which we did. I think a large part of their favorable attitude was brought about by Nat's salesmanship. He showed the government appraisers the prices that high-grade poplar and red oak had been selling for in Tennessee, and it impressed upon them that this timber was of extraordinary quality.

We afterward learned that one unit of this area of about four thousand acres, known as Little Santeetlah Creek, consisted of probably the finest hardwood timber left uncut in the United States. It was set apart as the Joyce Kilmer Memorial Park.[14] This idea was suggested by the legion camp to which Joyce Kilmer had belonged and was immediately adopted by the United States government.[15] Since then, a road has been built from the mouth of Little Santeetlah Creek to Poplar Cove. Camping facilities and trails have been built for the benefit of the tourists who now visit this camp in large numbers each year.

The government made up an abstract and sent Mr. Richard Jones, a young attorney from Franklin, to Robbinsville, North Carolina. In the course of his labors he unearthed a good many technical flaws in the titles that I had to cure. I spent more than a year in Robbinsville making the titles acceptable to the United States government. I was anxious to get this land purchased directly instead of through condemnation, which was a long and technical process. Finally, after about a year of working on the government and working on the titles, they were accepted. We received a check for approximately $380,000 for the 13,500 acres on Big Santeetlah and Little Santeetlah Creeks. Subsequently, the government also purchased the remainder of our cutover land on Barker's, Bear, and Deep Creeks. These cutover lands were sold on a basis of $2.70 per acre.

It was with great joy that I cashed this check in the bank and paid off the loan they had carried for us for nearly ten years. I also paid off various debts to the insurance companies and other debts that the firm had acquired. For the first time in many years Nat and I felt that we were again even with the world and perhaps had enough money in sight to live the remainder of our lives in a reasonable degree of comfort.

I began at once to seek interest-paying investments and purchased what is known as the Fenner & Beane Building and an annex to the Flatiron Building on the corner of Haywood Street and Page Avenue in Asheville. I also purchased a building known as the Professional Building. In spite of our disastrous excursions into stock purchases, I began to feel in 1936 that the country had reached a sufficient stability to justify an investment into interest-bearing stocks. Therefore, Nat and I purchased fifteen hundred shares amounting to some forty-eight thousand dollars. However, within a few months the great recession of 1937 began, and we never since have been able to recover our investments. Still, we are holding onto these stocks in the hope that business once more will be favored by governmental agencies, and the stock market will regain its former value.

In the year 1936, business seemed to have regained its equilibrium, and the purchase of timberland again seemed desirable. Nat and I got in touch with the Andrews Manufacturing Company, which offered to sell us their ten thousand acres of timber on Shooting Creek in Clay County, North Carolina. I had cruised it in 1916 and arrived at a figure of so much per

thousand board feet, with a guarantee of not less than $100,000 and 25 percent of the chestnut to be cut. At the same time, we were considering the purchase of a beautiful boundary of timber in Cherokee County, North Carolina, on the head of Tellico River. However, this tract did not appeal to me, as I felt it could not be liquidated in the term of my life, and it required a very great investment, which we were not prepared to make.

Finally, I made a trade for the Andrews timber. Nat lost heart over the $100,000 guaranty and especially over the 25 percent clause for the chestnut. Practically all of the chestnut was dead, and he thought that the necessity of cutting more chestnut than the land actually contained might bear too heavily on the price.[16] Therefore, we canceled this contract. The Andrews Manufacturing Company sold the poplar logs to the Murphy Veneer Company and the white oak timber to a stave plant.

Again we approached the Andrews Manufacturing Company. We purchased from them the red oak, the basswood, and the remaining timber at fixed prices per thousand feet without any guarantee whatever. We purchased from Mr. Heaton the poplar timber that was not suitable for cutting into veneer. We have been able to get a large quantity of very good poplar off of this boundary.

We proceeded to move our mill from Smoky Creek, replan it, and rebuild it at Hayesville. We bought a new four-and-one-half-foot band mill and installed it in the place of our old seven-foot mill. We find that we have a very fine, small-sized mill that in the course of forty-four hours per week will cut approximately one hundred thousand feet.

We are now engaged in cutting this timber. While during the past year the price of lumber has not been very satisfactory, we still are hopeful of being able to make a profit out of the enterprise. The Wages and Hours Act has played havoc with our possibility of cheap production, and so far we find that the public has not been willing to absorb the extra cost of lumber.[17] They have found innumerable substitutes, and the quantity of lumber being placed on the market is constantly growing smaller. We feel that the government's efforts at practicing forestry are being wholly set at naught by the declining demand for this product.

Certain types of woods always will be used for pulp and paper products, but the use of hardwood lumber is considerably less than the quantity being

grown at this time. There is a constant effort also on the part of the government to restock our streams with fish and to replenish our forests with game. I think they will be successful in these efforts, and the next generation will renew its vigor by a greater use of the woods and streams that were the source of the strength and courage of our pioneer ancestors. In the future, it is my opinion that the hardwood forests of the Appalachian Mountains will find their greatest usefulness in presenting recreational and playing areas convenient to the people.

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Afterword

. . . . . .

So ends the written story of Andrew Gennett and his brother, Nat, but the story itself does not end. There's still a little more to tell.

Today it is popular to focus on what the old-time loggers took and to forget all that they left or to put some other reason to their leaving.

Andrew Gennett left the Joyce Kilmer Forest.

There are tales today, some of them written, as to why the Joyce Kilmer exists today in its undisturbed state. One tale says that Gennett went bankrupt. Another says that he could not get rail access when the lake was flooded. Both of these stories are false. Gennett never went bankrupt, and you can still travel over dry ground to the mouth of Joyce Kilmer. Gennett left the forest unlogged because he wished to, because he felt its value to be greater in that state. The Joyce Kilmer is a living reflection of the complexity of the man who wrote *Sound Wormy.*

Gennett's role was more involved and innovative than he indicates in his memoir. Copies of an extensive correspondence between Gennett and the forest supervisor regarding particularly the Little Santeetlah lands show Gennett promoting a forest value in excess of the timber and land value.* This value was based on, in his words, the value of an "undisturbed Appalachian watershed." He reckoned this as considerably greater than the normal formula of board footage value minus logging and manufacturing costs. In this, Gennett may have been the first to promote the value of an old-

*This correspondence is found in Land Records, USDA Forest Service, Supervisor's Office, Asheville, North Carolina. See Cheoah Ranger District, Gennett 309G and 309S.

growth eastern forest to the Forest Service. The same records include Gennett's plan for logging the Joyce Kilmer. Gennett did not implement the plan because he chose not to.

Did Andrew Gennett truly feel that the days of hardwood lumbering were over forever, or had he foreseen the growth of the doctrine of multiple use of our forests? Certainly, he was drawn to the beauty of his surroundings as well as the commodity usage of the forestlands. It could be said that his final statement reflected the conflict between the two sides of his nature. One part of him remained the poet. One part of him remained the man of business. Gennett remained a Victorian. Perhaps his thought that recreational usage of the southern forests would eclipse their timber value is some attempt to purge a Victorian guilt, a conflict between the joy he took from his surroundings and the satisfaction he felt from commercial challenge. Having your cake and eating it too was not an idea he could be comfortable with. All this can only be speculation into the mind of a complex man at the most difficult time of his life.

At the time these words were written, Gennett was bedridden and forced to dictate them to a secretary. He could no longer walk and ride the ridges. His days of adventure were over. In addition, the hardwood market was badly down, and recovery seemed far away.

Word reached him that Phil Lovin, his woods bull for so many years, wished to come see him. Lovin was then deathly ill himself at his home on Yellow Creek. Yellow Creek in Graham County, North Carolina, was then almost the other side of the moon. Still, Lovin wished to make the journey. They had started together many years before. Gennett, then a young attorney, lost nearly everything in his venture. Lovin, a mountain woodsman, perhaps wishing to be out of state till after a grand jury met. They had listened and learned from each other. Phil Lovin and Nat Gennett were Gennett's closest friends now. Lovin had been Gennett's entry to the world of the forest he had learned to love.

The forward-looker in Gennett saw a war coming, and he had a son of military age. Gennett had always battled a hidden depression by action. He contested and confronted fates that he feared. Lying in bed in Asheville, he must have seen himself a sitting target at last. We do know this. After the memoir ended, Gennett continued to oversee the affairs of his company

from his bed. Illness did not isolate him from his creation or his brother. His worries were not reflected in his actions. He still confronted what he thought of as fate head-on. He feared for the future, yet he did all he could to insure that his company would survive into that future.

In his care and planning, Gennett did very well. His Navy pilot son came back from World War II to work and log the same forests his father and uncle had fifty years before. A new forest had grown, and the Gennetts were still in the lumber business. They still are today, in the third generation. While the company no longer manufactures lumber, Andrew's grandson Philip supplies the same Appalachian hardwoods and flooring to the builders and craftsmen of the region. The company office reflects the past of long ago while, like its founder, it peers into the future.

Stories abound of Andrew Gennett. Perhaps in one he told on himself may be seen the likeness of the man, his company, and the industry of which he was a part. It was in Clayton, Georgia, in the early 1900s. Gennett came into the hotel, fresh from several weeks in the woods. His boots were invisible for the red clay. His clothes were poorly mended from bramble and briar tears. His old slouch hat was on his head, and he bore little resemblance to that young attorney of a few years before. Back then, the working garb of the woodsman or forester would get you arrested in most good towns. Andrew Gennett looked rough as can be.

Two salesmen, drummers really, sat in the lobby and listened with vocal amusement as Gennett called his wife in Atlanta, asking her to come and meet him there. The connection was poor, and his voice was loud to make her hear. Still, the mirth of the salesmen nearly drowned him out. To them, he seemed some strange creature of the backcountry who was there for comic relief. Finally, he finished his call and turned to face his would-be tormentors.

"You fellows obviously don't know what a gentleman looks like!" he said.

JOHN ALGER

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Notes

1. My Birth and Childhood

1. Aunt Cleressa was Andrew Gennett's nanny, not a familial relative.

2. A dray is a low, heavy cart without sides used for haulage. Shafts are parallel poles between which an animal is harnessed.

3. The Krewe of Rex was organized in 1872 and initiated many defining features of the New Orleans Mardi Gras celebration.

4. The Mystik Krewe of Comus staged the first modern Mardi Gras parade in 1857.

5. A narrow-gage train has a width between the tracks of less than the standard 56.5 inches.

6. Yellow Hand is the common mistranslation of the name of a Cheyenne subchief, Hay-o-wai, or Yellow Hair. The scene Gennett describes was known in Buffalo Bill's Wild West Show as "Buffalo Bill's First Scalp for Custer"; the actual event reportedly differed from William Cody's melodramatic theater version.

7. The Cumberland River.

8. Hames are curved pieces of harness that fit around the neck of a draft animal and to which the traces are attached.

9. A davit is a fixed frame from which a boat is suspended. It usually includes a permanent block and tackle.

10. A gallus is a suspender for trousers.

2. Gennett Family History

1. The Confederate Fort Donelson was situated on the Cumberland River, just south of the boundary between Kentucky and Tennessee. The Confederacy's re-

quest for terms of surrender here prompted Gen. Ulysses Grant's famous message: "No terms except unconditional and immediate surrender accepted. I propose to move immediately upon your works."

2. Madison, South Carolina, was located in northwestern South Carolina midway in between Toccoa, Georgia, and Westminster, South Carolina. The site of Madison now lies under the waters of Lake Hartwell.

4. Entry into the Lumber Business

1. Jocassee was a small community situated near the confluence of the Horsepasture and Toxaway Rivers in South Carolina; the site now lies under the waters of Lake Jocassee. Located in northwestern South Carolina, the Keowee River has been inundated by the waters of Lakes Jocassee, Keowee, and Hartwell.

2. Rafts were made of logs and usually floated downstream to be processed at a sawmill. Log rafts were a common feature on the deeper and slower-moving eastern rivers for many years. Similar rafts are still in use in the timber regions of Oregon and Washington.

3. The Benedict-Love Company was one of the first large logging and lumber operations in northwestern South Carolina. Though not the first to work timber in this region, the company purchased a number of tracts held by earlier, smaller companies.

4. "Per thousand" is a volume measurement for processed wood; specifically, one thousand board feet. One board foot is exactly one foot long, one foot wide, and one inch thick.

5. Panther Creek is a Georgia tributary near the head of the Tugaloo River; the Tugaloo River begins at the confluence of the Tallulah and Chattooga Rivers. Tallulah Falls is the name of a township located near the Tallulah River gorge in Rabun County, Georgia. The name also refers to a series of waterfalls on the Tallulah River.

6. The Tugaloo River begins at the confluence of the Chattooga and Tallulah Rivers. A boom is a large hinged or pivoted timber frame used to trap logs floating down a river. It was usually placed to cover the downstream portion of slack water by a bend in a river. The main flow of the river channel would be just beyond the end of the lowered boom. A boom extending into the main flow would be submerged or broken by the combined force of water and logs when the river was at flood. This was the reason the Gennetts had difficulty with their first booming sites.

7. Shoulder Bone Creek is a South Carolina tributary to the Chattooga River, located toward the terminus of the river.

8. The site of Iron Bridge is at present-day State Highway 76 where it crosses the Chattooga River between South Carolina and Georgia.

9. Actually, this is not the Chattooga River but the Tugaloo River at this point.

10. Cliff Creek is a Georgia tributary to the Chattooga River that flows into the river in between Stekoa Creek (located on the Georgia side) and Long Creek (on the South Carolina side).

11. Circular mills are sawmills that use a circular sawing blade, consisting of a toothed disk rotating at high speed. They range in size from small, portable units to large, stationary mills employing many workers. This type of mill is still in common use today. It should be noted that the mills of the time were steam-powered, burning the slabs and sawdust produced. The smaller ones were (and still are) referred to as "donkey mills."

12. Hardwood lumber grades are established by a recognized sanctioning body. The modern one is the National Hardwood Lumber Association (NHLA). There is variation within grade types according to the species. "Sound wormy," for example, today applies only to white oak lumber. A lumber grade is an algorithm based on the surface measure of a board or beam times its thickness in inches and with specified defects deducted. (See also chapter 17, note 3.) "Number 1" is not a recognized hardwood grade; however, "1 common" is. "Mill-run" refers to the condition in which a product leaves the mill, that is, unsorted, uninspected.

13. "Log-run" describes the condition in which unsorted logs are processed at the sawmill.

14. In this context, "quartered" means "quarter sawn." The log is quartered as noted and then sawn off the quarters to board widths. Quarter sawing produces the valuable curly lumber from appropriate logs such as curly maple and curly poplar.

15. Battle Creek is a South Carolina tributary to the Tugaloo River.

16. In logging, a dog is the hook or grab that is hammered into the end of a log. A chain dog is two of these connected by a short length of chain, as opposed to a staple dog, which is one piece of metal. Chain dogging fastens logs together end to end for skidding. It was also used laterally in the construction of log rafts.

17. A "dead man" refers to an object, usually a log, that is buried underground to anchor the end of a chain or cable.

5. *First Run of Logs*

1. A peavey is a device with a stout handle thirty-six to forty-eight inches long used to roll or turn logs. The metal portions consist of a large dogged hook and a

spike near one end. The peavey is a hybrid of two other tools, the cant hook and the jam pike. It was named for its inventor, Jonathan Peavey, a nineteenth-century Maine blacksmith. A pike pole is a pole tipped with a metal spike. It is also known as a jam pike (see note 1). In some photos Gennett Company rivermen can be seen holding jam pikes.

2. Corks are short, sharp, metal spikes attached to the soles of a logger's boots to prevent slipping when the logger walks on logs and other surfaces.

3. Actually, the Tugaloo River; Gennett incorrectly calls it the Chattooga River.

4. An edger is a machine with parallel saw blades used to square up the wane or rounded edge of rough-cut lumber. A trimmer trims boards on their length to square ends and even multiples of one foot.

5. "On sticks" refers to the method of stacking freshly cut lumber in an orderly manner to dry, with narrow sticks of like dimensions placed in between and across each layer of boards. These sticks allow air to circulate throughout the stacked lumber, which discourages warping of the boards during the drying process.

6. *New Camps on the Chattooga River*

1. Oxen were frequently referred to as cattle.

2. A log chute is also known as a log slide. It is usually built of split logs formed into a V shape on a monocline. There were two types: a dry chute and a wet chute. The interior of the dry chute was frequently lubricated with animal fat. A small stream might be partly diverted to flow down a wet chute.

3. Camp Creek is a Georgia tributary to the Chattooga River, located just above the area currently known as the Five Falls.

4. Deep Hole of Sock-in-Dog now lies under Lake Tugaloo, which is the first impoundment on the Chattooga River created by the Tugaloo Dam.

5. Spignet root's (*Aralia spinosa*) common names include Hercules' club and devil's walking stick.

7. *Depression, 1904*

1. Mill Creek is currently known as Big Creek.

8. *Visions of Timber Deals, 1905*

1. The halfway stop was the site of the Russell House, which operated during the early 1900s as a stagecoach inn for passengers traveling to and from Walhalla, South Carolina, and Highlands, North Carolina.

2. Land speculation was a mainstay of most of the early lumber companies. Many were as much in the land business as they were the lumber business.

3. Chilkoot Pass in the Rocky Mountains of southeastern Alaska extends about thirty miles to the southwestern Yukon Territory, Canada.

4. Gennett formed the Oakey Mountain Lumber Company in Georgia at this time. In part, this was an effort to limit liability in such lawsuits.

5. Pressure from conservation groups helped secure passage of the National Forest Reserve Act in 1891, which allowed the president to set aside portions of the public domain as forest reserves in which the land would permanently remain in public ownership.

9. *Episodes in Madison, South Carolina*

1. The worker at the rear of any machine tails the machine. The last machine operator in a sawmill tail ends the mill.

2. 'Simons is a slang name for persimmons.

3. A planing mill uses machines with adjustable blades that are designed to smooth and level wood surfaces.

4. This Bull Sluice site now lies under the waters of Lake Tugaloo, which is formed by the Tugaloo Dam. Some local people call Lake Tugaloo "Bull Sluice Lake." The Tugaloo Dam is located about one mile below the confluence of the Chattooga and Tallulah Rivers.

10. *Romance of Rabun County*

1. In light of contemporary accepted scholarship, the information conveyed in this chapter is not altogether accurate. For example, the statement that Nacoochee Valley was named for an Indian princess has been reported to be based on a fictitious legend; "Yonah" translates as "bear"; the meaning of "Tallulah" is unknown; and Colonel Montgomery's mission to secure Fort Loudon occurred in 1760, not 1759. The reader is advised to consider Gennett's rendition of this period of history as one based on popular notions of that time that should be evaluated in that context with the above noted discrepancies and possibly others not cited here.

2. Gennett actually is referring to the Little Tennessee River.

3. Gennett is referring to the Battle of Wayah Gap.

4. A mandrel is a cylindrical block of metal ending in a collar that supports and turns a circular saw blade.

5. A band mill is a sawmill that uses a band saw as its head saw, or head rig. A band saw is a machine that turns a blade made of a continuous toothed steel ribbon.

The size of a band mill is determined by the diameter of its top pulley, or head wheel.

11. Recollections of Clayton, Georgia

1. Henry Cannon's store was located on Highway 76 in Long Creek, South Carolina, about four miles from the Chattooga River.

2. Santeetlah Creek is actually Little Santeetlah Creek. The record of Gennett's transaction with the Tennessee heirs and the original grant may be found in the land records of the USDA, Forest Service, Supervisor's Office, Gennett Tract 309G, Asheville, North Carolina.

3. Gennett refers to the forced removal of the Cherokee nation in an event known as the Trail of Tears.

12. Sawmilling on Tessentee Creek

1. A Mitchell wagon is a heavy frame wagon for hauling logs. The wagon had no body or seat and was adjustable in length through a massive center beam.

13. Removal to Franklin, North Carolina

1. Dr. Wylie Rogers owned a considerable amount of land in Macon County, much of which he sold to the U.S. Forest Service.

14. Land Sales to the Government

1. The Weeks Act of 1911 allowed the federal government to purchase forested, cutover, and denuded lands within the headwaters of navigable streams east of the Mississippi River.

2. The Clarke-McNary Act of 1924 (repealed in 1976) extended the purposes for which land could be acquired to include lands valuable for timber production as well as watershed protection.

3. The New Deal included the programs and policies for economic recovery from the Great Depression introduced by President Franklin Delano Roosevelt's administration; New Deal policies also included economic reform, relief, and Social Security.

4. Gennett is referring to a Gunter's chain. This is a measuring device sixty-six feet long consisting of one hundred links of stiff wire. A forester may refer to any surface-measuring process as "chaining."

5. Total cruise is a method of inventorying trees that assesses the characteristics of every tree within a fixed boundary of timber. Percentage cruise is a method of inventorying trees that assesses only those trees located inside fixed sample plots or strips that are placed within a larger boundary of timber; the numerical percent of the timber cruise equals acres in plots divided by total acres, then multiplied by one hundred.

6. Around the year 1913, when President Woodrow Wilson's first term began.

7. Gennett most likely was referring to the National Forest Reservation Commission. The National Forest Commission was formed at the request of President Grover Cleveland. The National Academy of Sciences appointed commission members to report on public lands in the West that consisted of forestlands unsuitable for farming. (The National Forest Commission issued its report in 1897, and by 1900 some 35 million acres of western timberland had been designated for protection.) The National Forest Reservation Commission (NFRC) was established in 1911 by the Weeks Act, and its purpose was to recommend lands for acquisition for the national forests. By 1920 about 2 million acres had been added to the national forests upon recommendation by the NFRC. The NFRC was abolished in 1976.

8. The precedent Strickland and Gennett discovered remained the base of land acquisition by the Forest Service through the 1940s until its acceptance of state deed and survey standards. Gennett has never been given credit for his role in this, the concept of "friendly condemnation."

15. Eminent Domain

1. Leo Max Frank was a southern Jewish man who was convicted and later lynched for the 1913 murder of Mary Phagan, a thirteen-year-old employee of an Atlanta pencil factory.

2. The administration of William Howard Taft (1909–13).

3. Culls are boards of inferior quality. "Common" refers to a grade of lumber.

4. "Ad litem" means for the purposes of a pending lawsuit.

17. Appalachian Logging Congress

1. The W. M. Ritter Lumber Company was organized in West Virginia in 1890 and owned by William McClellan Ritter of Pennsylvania. It became one of the largest hardwood producers in the country. Company timberlands included tracts in nearly every southern Appalachian state, and W. M. Ritter became known as the dean of hardwood lumbermen of America.

2. Number 2 common is a grade of lumber.

3. Log grades are a ranking based on the visible, surface characteristics of a log. To be graded, a hardwood log must be a minimum of eight inches in diameter at its small end. Though some variation occurs between species, the most common factory log grades are prime, select, number 1, number 2, number 3, and utility.

4. The kerf is the width of a saw cut.

5. Gennett is referring to October 24, 1929, also known as Black Thursday, when New York Stock Market security values began a downward fall, eventually leading to the Great Depression.

6. The administration of Franklin Delano Roosevelt (1933–45).

7. The Sherman Anti-Trust Act was passed by Congress in December 1889 for the purposes of curbing the abuses of big corporations, such as marketplace collusion to maximize joint profits.

18. Experiences While Cruising Timber

1. The dam at Tallulah Falls was completed in the year 1913.

19. Running Band Mills in Tennessee

1. The Workmen's Compensation Act required payments to be made to an employee injured in the course of work duties.

20. Perversity and Peril

1. A splash dam is built to store a head of water for driving logs to points downstream. Splash dams were usually constructed on small streams.

2. Ballhooting, the practice of sending cut logs down a steep slope by their ends first in an uncontrolled slide, was commonly used on slopes that were too steep for a team to work or when ice or rain made the slope too dangerous for skidding. Usually, the end of the log was slightly rounded with an ax to keep it from digging in.

3. The engineering advances of the Shay and Climax engines allowed for the development of spur railroad tracks into rough and hilly terrain.

21. Failure of the Revenge Theory

1. A quit-claim is a deed of conveyance intended to pass any title, interest, or any claim that the grantor (seller) may have but with no warranties as to the validity of the title.

22. Lawsuits in the Lumber Industry

1. A tramcar is a short, heavy, framed, wheeled vehicle with flanged wheels. Tramcars were usually meant to be operated singly and were moved by a windlass on a tramroad.

2. A tramroad is a graded road, either tracked or surfaced and tracked, for the operation of a tramcar. Usually, a tramroad was laid only on grades of 8 percent or better that were too steep for a logging locomotive.

3. "De novo," to review anew; not predisposed to look at previous decisions.

24. The Necessity of Luck

1. The ACL Railroad is the Atlantic Coast Line Railroad.

2. This became the town of Gennett, Tennessee.

26. Timber Purchases for Speculation

1. Stumpage is the value of standing timber.

2. In 1924 Harry C. Bemis of Bemis Lumber Company moved to Graham County, North Carolina, and became a major landowner in the area.

3. The Champion Fiber Company was organized in 1905 by Peter G. Thompson of Hamilton, Ohio. Thompson visited western North Carolina in 1904 to look for timberland to supply wood pulp for his paper mill in Ohio, and a group of investors, including Thompson, organized the Champion Lumber Company in 1911. Reuben B. Robertson of Cincinnati was Peter Thompson's son-in-law and directed the rapid expansion of the Champion Fiber Company's enterprise in western North Carolina.

4. "Pro rata," divided proportionally according to a certain rate or proportion.

5. In 1905 Peter Thompson acquired around 300,000 acres of western North Carolina mountainland and began construction of a paper mill and company town named Canton, after Canton, Ohio. By the year 1930, Champion's Canton factory was the largest paper and pulp mill in the nation.

6. Hangover is now Hayo's Hangover.

7. By the 1920s the Forest Service had acquired over 250,000 acres in western North Carolina. The majority of lands eventually purchased by the federal government were severely cutover or burned and have been called "the lands that nobody wanted."

8. Harold L. Ickes, secretary of the interior appointed by President Franklin D. Roosevelt, served in that capacity from 1933 to 1946.

9. What Gennett articulates here is known as a "commodity multiplier." It is the value that harvesting a commodity generates for the local economy, as compared to the standing or unharvested price. For the last three decades of the twentieth century, the commodity multiplier for standing hardwood sawtimber (stumpage) was stable at approximately 20:1.

10. Gennett is referring to the administration of Franklin Delano Roosevelt.

11. The three houses have been removed, and their original location is now part of the parking area for the Joyce Kilmer Slickrock Wilderness.

12. Gennett's plan for logging the Little Santeetlah can be found in USDA, Forest Service, Supervisor's Office, Land Records, Cheoah Ranger District, Gennett 309G, Asheville, North Carolina.

13. The late Walton Smith of Macon County, North Carolina, was one of these young foresters. The foresters' report, including photographs, is found in USDA, Forest Service, Supervisor's Office, Land Records, Cheoah Ranger District, Gennett 309G, Asheville, North Carolina.

14. The Joyce Kilmer Memorial Park was dedicated in 1936 and encompasses the 3,800 acres of the Little Santeetlah watershed. It now forms part of the Joyce Kilmer Slickrock Wilderness.

15. Alfred Joyce Kilmer (1886–1918) is known today mostly for his poem "Trees," first published in 1913.

16. The American chestnut (*Castinia dentata*) was the single most abundant hardwood tree in the eastern United States. Stands of trees 7–10 feet in diameter and with a canopy 170 feet tall were not uncommon. In 1904 the Asian fungus *Cryphonectria parasitica* was first identified in America. It found a host in the American chestnut, the Ohio buckeye, and other species. The fungus spread at the rate of fifty miles per year and proved deadly to the mature chestnut. Though chestnut saplings still sprout from the root collars of dead trees, they seldom reach a height of more than twenty feet before the fungus strikes them. An effort has been under way for many years to produce a blight-resistant strain of the American chestnut.

17. Gennett is probably referring to the Fair Labor Standards Act, which was passed in 1938 and legislated maximum hours of work and minimum wages.

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